

S. C., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of Branch 242, National Association of Letter Carriers, of Ashland, Wis., in favor of increasing salaries of mail carriers of second-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS: Petition of druggists of Winooski, Vt., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany House bill No. 10436, for the relief of John H. Haws—to the Committee on War Claims.

By Mr. SHAFROTH: Petition of citizens of Fort Lupton, Colo., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, resolutions adopted at a mass meeting at City Hall, Waterbury, Conn., urging the Government to use its friendly offices to bring about a cessation of hostilities between Great Britain and the South African Republics—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Papers to accompany House bill granting an increase of pension to Maggie D. Russ—to the Committee on Pensions.

Also, petition of citizens of Prospect and Trenton, N. Y., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. SOUTHARD: Resolutions of the Toledo Produce Exchange, in relation to a reduction of taxation—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Resolutions of the St. Paul (Minn.) Chamber of Commerce, for restrictive quarantine regulations—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Ramsey County Nurses' Graduate Association, of St. Paul, Minn., and petition of leading physicians of St. Paul, favoring the passage of House bill No. 6879, providing for the employment of women nurses in the military hospitals of the Army—to the Committee on Military Affairs.

Also, resolution of St. Paul Chamber of Commerce, in behalf of legislation for the Philippine Islands—to the Committee on Ways and Means.

By Mr. THROPP: Petition of Grange No. 1116, of Cambria, Pa., Patrons of Husbandry, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of the Methodist Episcopal Church of Altoona, Pa., asking for the passage of the anti-canteen bill and prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

Also, petition of Cambria Grange, No. 1116, Patrons of Husbandry, of Pennsylvania, favoring the passage of House bill No. 3717, relating to State control of imitation dairy products—to the Committee on Agriculture.

Also, petition of citizens of Blair County, Pa., urging the enactment of a law forbidding the sale of intoxicating liquors in the Hawaiian Islands—to the Committee on the Territories.

Also, paper to accompany House bill to remove the charge of desertion from the record of Thomas J. Switzler—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion from the record of Levi R. Shadle—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to John A. Jones—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to remove the charge of desertion from the record of Martin L. Cupples—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Patrick Kinney—to the Committee on Pensions.

Also, paper to accompany House bill to increase the pension of John Shroyer—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Elizabeth Diehl—to the Committee on Invalid Pensions.

Also, evidence to accompany House bill granting a pension to David C. Yingling—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Petition of Richmond Hill (Pa.) Creamery Company, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Falls, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, etc.—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Fort Logan Improvement Club, Fort Logan, Colo., favoring the establishment of a Soldiers and Sailors' Home at or near Denver, Colo.—to the Committee on Military Affairs.

Also, resolutions of the Maritime Association of the Port of New York, in favor of Senate amendments to House bill No. 8347, restoring the appropriations for the maintenance of the Hydrographic Office—to the Committee on Naval Affairs.

Also, letter of Bement, Miles & Co., Philadelphia, Pa., in relation to Senate bill No. 4300 and the proposed amendment relating to the Ordnance Department—to the Committee on Military Affairs.

Also, letter of the Philadelphia Commercial Museum and Weekly Bulletin, relating to industries of foreign countries—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sea Gull Specialty Company, Baltimore, Md., relating to alum baking powders, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Petitions of J. H. Connor, of New Albany; Homes & Perry and others, of Jeffersonville; John Enlow and others, of Birdseye; J. P. Isterling, of Corydon Junction; J. B. Blessing and others, of English, Ind., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

SENATE.

TUESDAY, May 22, 1900.

Prayer by Rev. OLIVER JOHNSON, of Leslie, S. C.

NAMING A PRESIDING OFFICER.

Mr. PLATT of Connecticut called the Senate to order; and the Secretary read the following letter:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE.
May 21, 1900.

To the Senate:

I name Hon. O. H. PLATT, Senator from Connecticut, to perform the duties of the Chair during my absence.

WM. P. FRYE, *President pro tempore*.

Thereupon Mr. PLATT of Connecticut took the chair as Presiding Officer.

THE JOURNAL.

The PRESIDING OFFICER. The Secretary will read the Journal of the proceedings of yesterday.

The Secretary proceeded to read the Journal of the proceedings of yesterday, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER. The Journal, without objection, will stand approved.

TRANSPORTATION OF REINDEER.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation of \$1,718.88, in settlement, by compromise, of a suit entered against the United States by T. F. Townsley on a contract entered into by Dr. Sheldon Jackson, general agent of education in Alaska, for the carrying of reindeer between certain Siberian and Alaskan ports; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 1006) granting an increase of pension to Margaret M. Badger.

The message also announced that the bill (H. R. 2935) providing for the resurvey of township No. 8, of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska, of which the Senate requested the return by resolution of May 19, and transmitted to the House by message on that day, is no longer in possession of the House, as prior to the receipt of the message of the Senate it had been transmitted to the Senate as an enrolled bill duly signed by the Speaker.

The message further announced that the House had passed the following bills:

A bill (S. 124) regulating permits for private conduits in the District of Columbia; and

A bill (S. 4048) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

A bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901.

The message further announced that the House had disagreed

to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, further insists upon its disagreements to the amendments of the Senate to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. MARSH, and Mr. JETT managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 2931) to incorporate the American National Red Cross, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLET of Massachusetts, Mr. WM. ALDEN SMITH, and Mr. WILLIAMS of Mississippi managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

- A bill (H. R. 5711) extending the term of patent No. 287230;
- A bill (H. R. 8498) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898;
- A bill (H. R. 8865) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street;
- A bill (H. R. 10740) to regulate the grades of Twentieth street, and for other purposes;
- A bill (H. R. 11326) to regulate the collection of taxes in the District of Columbia; and
- A bill (H. R. 11650) relating to certain railway corporations owning or operating street railways in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

- A bill (S. 1243) for the relief of the owner or owners of the schooner *Bergen*;
- A bill (S. 3473) for the relief of Corinne Strickland;
- A bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901; and
- A bill (H. R. 11081) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.

SOUTH AFRICAN REPUBLICS.

Mr. WELLINGTON. Mr. President, at a meeting held on Sunday night by the citizens of Washington I was commissioned to present to the Senate a resolution, passed unanimously by that meeting, asking that the Senate of the United States shall adopt the resolution introduced by the Senator from Colorado [Mr. TELLER], which provides for the offer of the good offices of the United States to assist in bringing about a speedy conclusion of the war in South Africa.

I beg leave to present the resolution in the nature of a petition, and I ask that it be read and laid upon the table with the resolution of the Senator from Colorado. I desire to state that I shall call it up on Monday next, May 28, directly after the morning business, and submit some remarks thereon.

The PRESIDING OFFICER. Is there objection to the reading of the petition? The Chair hears none.

The Secretary read as follows:

CITIZENS' MEMORIAL.

WASHINGTON, D. C., May 20, 1900.

To the Senate of the United States:

The citizens of Washington, at a public reception of welcome to Messrs. Fischer, Wessels, and Wolmarans, the duly accredited peace envoys from the Republics of South Africa to the Republic of the United States, held in the capital of the nation on the 20th day of May, 1900, respectfully petition Congress to pass the following joint resolution introduced in the Senate by Mr. TELLER and in the House by Mr. SULZER:

"Whereas from the hour of achieving our independence as a people the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

"Resolved, That we watch with deep and abiding interest the war between Great Britain and the South African Republics, and, with full determination to maintain a proper neutrality between the contending forces, we can not withhold our sympathy from the struggling people of the Republics; and it is our earnest desire that the Government of the United States, by its friendly offices offered to both powers, may assist in bringing the war to a speedy conclusion in a manner honorable to both Great Britain and the African Republics."

It was unanimously adopted that this petition be presented to the Senate and House of Representatives.

WM. SULZER, *Chairman of Meeting.*
PATRICK O'FARRELL, *Secretary.*

The PRESIDING OFFICER. According to the request of the Senator from Maryland the petition will lie on the table.

Mr. WELLINGTON. Let it lie on the table, and on Monday next I shall call it up with the resolution of the Senator from Colorado for the purpose of submitting some remarks.

PETITIONS AND MEMORIALS.

Mr. WELLINGTON presented the petition of Louis Schulze and 108 other wholesale and retail druggists of Baltimore, Md.,

praying for the passage of the so-called pure food and drug bill; which was referred to the Committee on Finance.

Mr. BARD presented a petition of the board of directors of the San Francisco Art Association, of California, praying for the enactment of legislation to constitute a Capitol art commission to formulate a plan for completing the decoration of the Capitol building in the city of Washington; which was referred to the Committee on the Library.

Mr. QUARLES presented a petition of the Wisconsin Association of Letter Carriers, praying for the enactment of legislation to equalize the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of George P. Peck and 30 other citizens of Fayetteville, Wis., praying for the enactment of legislation placing a tax upon oleomargarine and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Branch No. 242, National Association of Letter Carriers, of Ashland, Wis., praying for the enactment of legislation providing for an increase of the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SIMON presented a petition of sundry druggists of Portland, Oreg., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. ALLEN presented the petition of James R. Porter, of Haigler, Nebr., praying that he be granted indemnity for loss of property during the Fort Phil Kearney massacre; which was referred to the Committee on Indian Depredations.

He also presented a petition of sundry letter carriers of Omaha, Nebr., praying for the enactment of legislation to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of Cascade Grange, No. 63, Patrons of Husbandry, of Ada, Mich., praying for the enactment of legislation providing for the election of United States Senators by popular vote; which was referred to the Committee on Privileges and Elections.

Mr. PENROSE presented petitions of granges No. 1155, No. 1118, No. 1116, No. 7025, No. 940, No. 55, No. 913, No. 291, No. 1035, No. 274, No. 998, No. 106, No. 1124, No. 176, No. 66, No. 1138, No. 880, No. 1148, No. 1088, No. 839, No. 65, No. 1149, No. 1112, No. 908, No. 89, No. 19, No. 1133, No. 1074, No. 158, No. 1154, No. 570, No. 1027, No. 981, No. 303, No. 1100, No. 989, No. 1034, No. 534, No. 868, No. 1121, No. 1041, No. 1033, and No. 444, all Patrons of Husbandry, in the State of Pennsylvania, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

Mr. PETTIGREW presented a petition of Local Assembly No. 10611, Knights of Labor, of Kenesee, Ky., praying for the public ownership of railways, telegraphs, and telephones and for the passage of Senate bill No. 1770, relative to the acquisition, purchase, construction, and condemnation by the United States of railroads lying within the United States, the respective States, and the District of Columbia engaged in interstate commerce, etc., and remonstrating against the passage of Senate bill No. 1439, to amend the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MORGAN. I present a memorial of the Eastern or Emigrant Cherokees, so called, praying for the payment to them per capita of the trust fund due under the ninth article of the treaty of 1846 and appropriated to them July 2, 1836, and found due by the award of the executive department of the United States, in pursuance of the Cherokee agreement of December 19, 1891, and the act of Congress of March 3, 1893. I move that the memorial be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1014) for the relief of George McGuire, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

- A bill (S. 4191) granting a pension to Anna E. Littlefield;
- A bill (S. 4548) granting an increase of pension to Albert A. Roberts;
- A bill (H. R. 602) granting an increase of pension to Charles H. Adams;
- A bill (H. R. 8475) granting an increase of pension to Alice de Vecchj;

A bill (H. R. 5555) granting a pension to Virginia Hull; and
A bill (H. R. 9207) granting a pension to John F. Kelly.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2202) granting an increase of pension to Alvin N. Sabin; and

A bill (S. 4296) granting an increase of pension to Frances S. Childs.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3513) granting a pension to Edwin Hurlburt;

A bill (H. R. 9236) granting an increase of pension to Herman S. Soules;

A bill (H. R. 10719) granting an increase of pension to Elizabeth S. Seymour;

A bill (H. R. 2020) granting a pension to Clarissa Carruth;

A bill (H. R. 4424) granting a pension to Isaac N. Jennings;

A bill (H. R. 8536) granting an increase of pension to Robert Anderson, jr.; and

A bill (H. R. 10455) granting an increase of pension to Bertha G. Kimball.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3115) granting an increase of pension to Robert Moran;

A bill (H. R. 7512) granting a pension to Lydia Strang;

A bill (H. R. 1801) granting an increase of pension to Elijah Biddle;

A bill (H. R. 8888) granting an increase of pension to Henry O'Connor;

A bill (H. R. 1748) granting a pension to Ellen V. McCleery;

A bill (S. 2913) granting an increase of pension to William E. Ferree;

A bill (S. 2915) granting an increase of pension to Samuel Z. Murphy; and

A bill (H. R. 4118) granting an increase of pension to Enos H. Kirk.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 2163) granting a pension to Franklin Kersting, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. GALLINGER on the 17th instant, proposing to appropriate \$750 to pay Dennis M. Kerr for extra services as assistant to Committee on Pensions, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 63) granting a pension to Cyrus A. B. Fox, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 4178) granting a pension to Thomas White, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 852) granting an increase of pension to James Cooper;

A bill (H. R. 7186) granting an increase of pension to Sylvester Doss, alias Harry S. Doss;

A bill (H. R. 6091) granting a pension to Mary A. Fullerton;

A bill (H. R. 9419) granting a pension to Henrietta P. Cotter;

A bill (H. R. 7852) granting an increase of pension to Oliver M. Brown;

A bill (H. R. 5695) granting a pension to Matilda Reeves;

A bill (H. R. 6425) granting an increase of pension to William H. Wendell;

A bill (H. R. 8235) granting an increase of pension to Daniel Metcalf;

A bill (H. R. 8236) granting an increase of pension to James M. Dennison;

A bill (H. R. 8885) granting an increase of pension to Sara H. M. Miley; and

A bill (H. R. 10443) granting a pension Anna C. White.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3869) granting a pension to Joseph H. Hamrick and Ella G. Hamrick;

A bill (H. R. 9752) granting a pension to Margaret Thornberry;

A bill (H. R. 2726) granting a pension to James A. Root;

A bill (H. R. 3495) granting an increase of pension to Levi G. Wilgus;

A bill (H. R. 5929) granting an increase of pension to Barton Acuff;

A bill (H. R. 8211) granting an increase of pension to William Shulmire; and

A bill (H. R. 10612) granting an increase of pension to Richard Harden.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 1588) granting a pension to Eva Clark, reported it with an amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 6164) granting a pension to Julia Traynor, reported it without amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (H. R. 7145) granting a pension to Catharine Slayton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1978) granting an increase of pension to Ellis P. Phipps, reported it with an amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 3941) granting an increase of pension to John Hutchins, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6919) granting an increase of pension to John Blanchard; and

A bill (H. R. 1570) granting a pension to Susie Margarite Landrum.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6559) granting an increase of pension to Genevieve Loughton;

A bill (H. R. 5192) granting a pension to Louise Adams; and

A bill (H. R. 9194) granting a pension to Sarah Elvira C. Upham.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6564) granting a pension to Anna M. Starr; and

A bill (H. R. 9424) granting an increase of pension to George Cronk.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9915) granting a pension to Madison T. Trent;

A bill (H. R. 2126) granting an increase of pension to William H. Capehart; and

A bill (H. R. 9740) granting a pension to Sophia A. Lane.

He also, from the same committee, to whom was referred the bill (H. R. 1797) granting a pension to Jane Lucas, reported it with amendments, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1932) granting an increase of pension to Thomas J. Jackson;

A bill (S. 1278) granting an increase of pension to F. W. Baker;

A bill (S. 1736) granting an increase of pension to Mary Irene Rosenthal;

A bill (S. 1269) granting a pension to Nancy J. Dunaway, of Garnett, Kans.; and

A bill (S. 4165) granting a pension to Dora Renfro.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 3068) granting an increase of pension to Evan M. Woodward;

A bill (H. R. 1230) granting a pension to Hannah Kennedy;

A bill (H. R. 5330) granting an increase of pension to Uri S. Keith; and

A bill (H. R. 8829) granting an increase of pension to John P. Pepper.

Mr. McMILLAN (for Mr. PROCTOR), from the Committee on the District of Columbia, to whom was referred the bill (S. 3157) to amend an act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PROCTOR), from the same committee, to whom was referred the bill (S. 3158) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons, in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. MCBRIDE, from the Committee on Public Lands, to whom was referred the bill (H. R. 8765) for the relief of John C. Smith, reported it without amendment, and submitted a report thereon.

ADDITIONAL CLERKS IN PENSION BUREAU.

Mr. GALLINGER. I am directed by the Committee on Pensions to report back favorably with an amendment Senate resolution 351, introduced by the Senator from West Virginia [Mr. SCOTT] on the 18th instant, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the Secretary of the Interior is hereby directed to inform the Senate what number, approximately, of additional clerks will be required to adjudicate the applications for original pensions now on file in the Bureau of Pensions at a date not later than the 1st day of October next.

The amendment of the committee was, in line 5, to strike out the words "October next" and insert "January, 1901."

The amendment was agreed to.

The resolution as amended was agreed to.

REPORTS OF AMERICAN HISTORICAL ASSOCIATION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 255) to print the annual reports of the American Historical Association, to report it without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that there shall be printed of the annual reports of the American Historical Association, beginning with the report of the year 1899, 2,500 copies in addition to those provided for under existing law, of which 500 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the American Historical Association.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. PLATT of New York. From the Committee on Printing, I submit a report of the facts connected with the compilation and publication of the Messages and Papers of the Presidents, pursuant to the resolution submitted by the Senator from New Hampshire [Mr. CHANDLER] and adopted by the Senate. The report is accompanied by the testimony taken by the committee. I ask that the report and testimony be printed.

The PRESIDING OFFICER. Is it desired that the report shall be read, or shall it be received and ordered printed without reading?

Mr. GALLINGER. Mr. President, in connection with the report, I wish to make an inquiry. The report, I take it, is in answer to a resolution submitted by my colleague (Mr. CHANDLER), directing an inquiry by the Committee on Printing regarding the publication of the document known as "Messages and Papers of the Presidents." I do not know what the finding of the committee is, but I want to ask the chairman if the committee has taken any action on a concurrent resolution that I introduced some time ago to provide for the printing of 30,000 additional copies of this publication? From all over the country calls are coming for the publication, which is a very valuable one, which I think the Government has been wise in expending money in publishing, and the publication of which, in my judgment, ought to be continued. I should be very glad to know from the chairman that the committee has at least given some consideration to the resolution that I offered and sent to that committee.

Mr. PLATT of New York. I will say to the Senator from New Hampshire that the committee has taken no action on that resolution for the reason that the cost would be somewhere in the neighborhood of \$200,000.

Mr. CHANDLER. I ask that the report may be read. It is not long.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, as follows:

[Senate Report No. 1473, Fifty-sixth Congress, first session.]

The Committee on Printing respectfully reports to the Senate that it has completed an investigation into the facts connected with the compilation and publication of the Messages and Papers of the Presidents, both by Congress and as a private enterprise, pursuant to the following resolution adopted by the Senate April 19, 1900:

Resolved, That the Committee on Printing be directed to investigate the facts connected with the compilation and publication of the Messages and Papers of the Presidents; the result of the permission given to private persons to use the stereotyped plates; the distribution of the copies made gratuitously or otherwise by the Government; the sales made by private persons, and the methods adopted in making such sales; the circumstances under which the compilation has been copyrighted; and other material facts surrounding the compilation and distribution of the volumes; and report to the Senate the result of the inquiry and any legislation which may be deemed desirable by the committee.

The testimony taken by the committee under the above resolution is hereto annexed. Its perusal shows that on July 27, 1894, Congress authorized the compilation of all such messages and papers and gave the direction of the work to the Joint Committee on Printing. That committee, on August 20, 1894, requested the Hon. JAMES D. RICHARDSON, a Representative from the State of Tennessee, to make the compilation. Mr. RICHARDSON was then and in the preceding House had been a member of the House Committee on Printing. The general act providing for the printing, binding, and distribu-

tion of public documents, enacted January 12, 1895, made it illegal to copy-right any Government publication.

Mr. RICHARDSON began the work of compiling the Presidents' messages in April, 1895, and the publication began in February, 1896. The tenth and last volume was brought out in July, 1899. It is not to be doubted that Mr. RICHARDSON's labors were most assiduous, and that they consumed during this period a great amount of his time. Mr. RICHARDSON testifies that he devoted every spare hour of his time for a period of four years and three months to this work. An amendment in the sundry civil bill on January 4, 1897, requested Mr. RICHARDSON to make an index to the work, and he testifies that he expended more than \$3,000 from his own purse for necessary assistance in making this index.

Three editions of the Messages, aggregating 36,000 sets of ten volumes each, were printed by the Government Printing Office and distributed free by members and officers of the two Houses of Congress. These were duly authorized publications and distributions, and of the copies printed 34,439 were assigned to the members and officers of the Fifty-fourth and the Fifty-fifth Congresses, and certain fractional remainders of each edition, amounting in all to 659 copies, were placed by the Public Printer to the credit of Mr. RICHARDSON, the compiler, in accordance with the terms of the acts and resolutions of Congress under which the publication was authorized.

After several volumes of the first edition had been printed and in all subsequent volumes of the first edition and in all volumes of the succeeding editions Mr. RICHARDSON caused to be placed upon the reverse side of the title page of each book the words: "Copyright, 1897, by JAMES D. RICHARDSON." This inscription was printed some while before a copyright had been actually issued to Mr. RICHARDSON, but it appears that copyright was issued to him as each volume went to press, and he now claims the rights and privileges of copyright in connection with the publication of the work.

Mr. RICHARDSON says that his original insertion of the copyright inscription was not then intended as an assertion of copyright, but as notice to the public of his purpose to obtain copyright. He also says that he does not claim copyright as against the Government, but only as against all other publishers. It is not claimed by Mr. RICHARDSON that his copyright operates to protect him against the publication of any one or more of the collated messages, but that it does protect the form of the publication, and that it protects the illustrations and original matter with which the pages of the books are interspersed.

The Committee on Printing will not undertake to discuss the legal question here involved further than to say that the prohibition contained in the printing act was intended to cover every publication authorized by Congress in all possible forms, and in view of the debate which occurred at the time it is clear to the committee that Congress intended to prevent precisely what has happened—the copyrighting of this particular book.

Your committee thinks that copyright should not have issued in behalf of the Messages, and that the law as it stands is sufficient to deny copyright to any and every work once issued as a Government publication. If the services of any author or compiler employed by the Government require to be compensated, payment should be made in money, frankly and properly appropriated for that purpose, and the resulting book or other publication in whole and as to any part should be always at the free use of the people, and this, without doubt, was what Congress intended.

This consideration brings your committee to the origin if not to the cause of the conditions that led to this investigation. The sundry civil bill which became a law on June 4, 1897, carried in it a provision "That the Public Printer be, and he is hereby, authorized and directed to make and deliver to JAMES D. RICHARDSON, the compiler of The Messages and Papers of the Presidents, without cost to him, duplicate electrotype plates from which the compilation The Messages and Papers of the Presidents is published." Of course, these plates were given to Mr. RICHARDSON to be used by him in the further publication, for his own pecuniary benefit, of the compilation.

It must be assumed that Congress felt itself to be in Mr. RICHARDSON's debt and undertook to discharge what it regarded as a public obligation in this way. It made a mistake. If anything more than a gracious public acknowledgment of the value of his work was due to Mr. RICHARDSON, it should have been paid in money, duly appropriated for the purpose. The quasi authority given to Mr. RICHARDSON in this provision of the law to use these plates in his own way and for his own benefit led to a series of incidents for which his responsibility may be slight, but which have placed Congress in a false position.

A publisher of the name of James S. Barcus, then a resident of New York City and now of Terre Haute, Ind., made a contract with Mr. RICHARDSON under which the "exclusive use of the plates" was given to Barcus for ten years in an arrangement that he should print, publish, and sell the compilation, paying to Mr. RICHARDSON a royalty of 75 cents per set for all sets sold. In form the contract appears to be unobjectionable; but the methods pursued by Barcus and his organization to dispose of the work were questionable, and well devised to produce a false public impression.

Mr. Barcus was the sole owner of the privilege conveyed in the contract and, when the contract was made, was doing business as a publisher under the trade name of J. S. Barcus Company. Within five or six months after the contract was signed, this name was abandoned and Barcus assumed for his enterprise the name "committee on distribution." This name was used on all letter headings and other printed matter necessary to the business, all such matter being printed and devised in forms and with types, paper, and ink similar to those employed by Congress and its regular authorized committees. In the formal headings of such letters and circulars the name of Mr. RICHARDSON appeared as "editor" together with that of Ainsworth R. Spofford, the Assistant Librarian of Congress, as "general secretary."

The expressions and phrases employed in Barcus's printed material were such as necessarily to mislead the public into the belief that the Government was in some way identified with the publication and sale of his books. It was made to appear by language which was at times more than equivocal, that the unusual opportunity of obtaining the books which the Barcus literature and the Barcus agents claimed was being afforded, resided in this undefined relation of Congress to the enterprise. The Barcus edition was referred to in circular letters as a "Government document," and it was said that "Congress recently authorized the distribution of a limited number in each Congressional district," a statement that might perhaps have applied to the editions printed by the Public Printer but could not have applied to the editions printed from Mr. RICHARDSON's plates.

Persons addressed as prospective purchasers were told that the "committee on distribution" had been "appointed to distribute the work," and that Congress had "granted the privilege of printing a limited edition" and that the "distribution" was to be made by "Congressional districts," and that the "number of sets" had been "apportioned" in accordance with a "ratio." Barcus's agents were equipped with letters under the usual letter heading, in which they were informed that they had been "appointed" to be members of the "committee on distribution," and that their appointments had been "confirmed." All these expressions were so well calculated to deceive the public as to make it impossible to believe that they were not chosen for that purpose.

Mr. RICHARDSON's receipts from the sales of the edition printed and sold by Mr. Barcus had amounted up to the period of this investigation to \$11,320.50.

Your committee does not see the necessity of new legislation. Congress has it in its own power to avoid a repetition of the false representations of which it has been the victim by not again placing Government plates at the disposition of private persons. The language of the statute forbidding the copyrighting of Government publications appears to the committee to be as strong as it can be made.

The PRESIDING OFFICER. The report, together with the testimony which accompanies it, will be printed and laid on the table.

Mr. GALLINGER. Mr. President, I desire to make a single observation.

Mr. CHANDLER. Will the Senator first allow me a moment?

Mr. GALLINGER. Certainly.

Mr. CHANDLER. Mr. President, I have received some additional circulars that were sent out by the Barcus Company which I will present to the Senator from New York and ask to have printed at the close of the testimony connected with the report. I ask that that order may be made.

The PRESIDING OFFICER. The Senator from New Hampshire asks that some additional evidence in relation to the report made by the Committee on Printing shall be printed at the end of the printed testimony. Is there objection? The Chair hears none, and that order will be made.

Mr. GALLINGER. Mr. President, I desire to make an additional observation in connection with the matter which has just been presented to the Senate.

As already suggested, I offered a concurrent resolution, probably two or three weeks ago, which was sent to the Committee on Printing, asking for the printing of 30,000 additional copies of this document, Messages and Papers of the Presidents. The chairman of that committee says that no action has been taken upon it for the reason that it would cost in the vicinity of \$200,000 to print 30,000 copies.

Mr. President, I am not going to discuss at all the merits of the controversy between Mr. RICHARDSON and Congress, but I desire to call the attention of the Senate and the country to the fact that this publication is now being sold to the people of this country at \$34 per set while, if we can print 30,000 at a cost approximating \$200,000, it costs only between six and seven dollars per set. In other words, it will cost one hundred and ninety-odd thousand dollars for the Government to print 30,000 copies while the people of the country are paying to the Barcus Company \$1,020,000 for 30,000 copies, admitting that that number shall be sold.

Now, Mr. President, it seems to me that under these circumstances the Committee on Printing can with great propriety report back the concurrent resolution, reducing the number from 30,000 to 20,000, or 10,000 if they see fit to do so; and if the Government is not able to print this document for gratuitous distribution to the libraries and the scholars of the country, let the Committee on Printing recommend that it shall be printed and sold at cost, so that members of this body and members of the other House can purchase these books at a cost of six or seven dollars per set and send them to their constituents and to the libraries of their States. For myself, I should be very glad of an opportunity to purchase a very considerable number at the cost of six or seven dollars per set, and I should consider that I was doing my people a very great service to distribute these books to a limited extent under these circumstances rather than to have them sold at a cost of \$34 per set.

Mr. CHANDLER. Will my colleague state again what the cost will be at the Government's price and what the price is that is charged by the Barcus Company?

Mr. GALLINGER. The Senator from New York tells me privately that the cost for 30,000 sets is not quite \$200,000, but one hundred and ninety-odd thousand dollars, while the cost of 30,000 copies at the price the Barcus Company is charging would be \$1,020,000, or more than five times what it will cost if the Government shall furnish these books.

Now, Mr. President, this is a matter of business, it seems to me, and laying aside the merits or demerits of this controversy, which I do not propose to enter into at all, it appears to me that some action should be taken by the Committee on Printing looking to furnishing an edition of some number, whether it be 50,000 or 100,000 or 200,000, to Congress for gratuitous distribution, or, if this is impracticable, then let them be printed and supplied at cost, so that we can purchase and distribute them at our own expense.

ARMY APPROPRIATION BILL.

Mr. HAWLEY. Mr. President, I beg leave to call up the Army appropriation bill, which has just come over from the House.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HAWLEY. I move that the Senate still further insist on

its amendments and agree to the further conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate.

Mr. HAWLEY. I suggest that in place of the Senator from Vermont [Mr. PROCTOR], who is absent, the Senator from Montana [Mr. CARTER] be appointed one of the conferees.

The PRESIDING OFFICER appointed Mr. HAWLEY, Mr. CARTER, and Mr. COCKRELL as the conferees on the part of the Senate.

Mr. HAWLEY. Allow me informally to make a statement. While it looks formidable that the House disagrees to the amendments of the Senate, that is a mere matter of form. I am happy to say that the disagreement is only upon one not very important item, and I hope to submit the report of the conferees in the course of the afternoon.

TRANSFER OF GUNS TO GRAND ARMY POST.

Mr. CARTER. By direction of the Committee on Military Affairs and on behalf of the Senator from Vermont [Mr. PROCTOR], I report back without amendment the bill (H. R. 6876) providing for the transfer to Post 39, Grand Army of the Republic, at Lawrence, Mass., of certain guns now in possession of Battery C, Massachusetts Volunteer Militia.

Mr. LODGE. I ask for the present consideration of the bill. It will take but a moment.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS ARISING DURING WAR WITH SPAIN.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill (S. 3763) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain.

The PRESIDING OFFICER. Morning business has not yet been concluded.

Mr. TILLMAN. I thought it had been.

The PRESIDING OFFICER. If there are no further reports of committees, the introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr. GALLINGER. Mr. President, some two or three weeks ago I introduced a resolution calling upon the proper officers of the District of Columbia to make a report concerning the quality of milk and cream furnished to the people of the District. Very interesting reports have been made by the health officer and by the dairy commissioner. The health officer has submitted two bills which he wishes to have enacted into law. I now introduce those bills, and ask that they may be severally read twice by their titles and referred to the Committee on the District of Columbia.

The bills were respectively read twice by their titles, and referred to the Committee on the District of Columbia, as follows:

A bill (S. 4803) to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District; and

A bill (S. 4804) to regulate the production and sale of milk and cream in and for the District of Columbia.

Mr. GALLINGER also introduced a bill (S. 4805) providing for a special term of the district court of the United States for Porto Rico; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. PENROSE introduced a bill (S. 4806) to correct the military record of Daniel O'Sullivan; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4807) for the relief of the heirs of Martin Dubs; which was read twice by its title, and referred to the Committee on Claims.

Mr. GEAR introduced a bill (S. 4808) granting an eight-hour day to post-office clerks; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HANNA introduced a bill (S. 4809) to correct the military record of Jacob Eckert; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 4810) to provide for the purchase of a site and the erection of a building thereon at Galena, State of Kansas; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. LINDSAY introduced a bill (S. 4811) to authorize the Jefferson Telephone Company to construct and maintain lines and offices for general telephone business in the Cherokee, Creek,

Choctaw, Seminole, and Chickasaw nations, in the Indian Territory, and also in the Osage Reservation, in the Territory of Oklahoma; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WOLCOTT introduced a bill (S. 4812) for the relief of Louis Loeb; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4813) granting a pension to Milton Reynolds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 4814) to authorize the President to reappoint, as a commander in the Navy, Thomas Amory De Blois, who voluntarily resigned in 1891; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WELLINGTON introduced a bill (S. 4815) to refer the claim of the estate of Richard Lay, deceased, late of the District of Columbia, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4816) to provide for the closing of part of an alley in square 169, in the city of Washington, D. C., and for the sale thereof to the Young Men's Christian Association of the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. NELSON introduced a bill (S. 4817) authorizing the construction of a railroad bridge across the Mississippi River at St. Paul, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DEPEW submitted an amendment proposing to appropriate \$4,135.38 to refund to the Little Falls Knitting Mill Company, being the amount charged against it and deducted from the payments due on account of alleged failure to deliver merchandise as per contract made therefor, dated September 2, 1898, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 11646) making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modifications of provisions heretofore made; which was referred to the Committee on Commerce, and ordered to be printed.

CUBAN INVESTIGATION.

Mr. BACON. Mr. President, I desire to present an amendment intended to be proposed by me to the resolutions relative to the investigation of receipts and expenditures in Cuba. I do not ask that that amendment may be acted upon, because I desire that the opportunity shall be offered to such Senators as may desire to speak to these resolutions before the resolutions are referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

When this amendment is adopted it will necessitate that the resolution shall go to the Committee on Contingent Expenses. The consideration of and action upon the resolutions have been postponed in order that the Senator from Connecticut [Mr. PLATT] might have the opportunity, which he desired, to express himself to them. After he has done so, unless other Senators desire to be heard upon the resolutions, I shall ask that the amendment be adopted, and that the resolutions with the amendment go to the Committee on Contingent Expenses.

Mr. PLATT of Connecticut (Mr. GALLINGER in the chair). Mr. President, I take this opportunity to say that I shall to-morrow, at the conclusion of the ordinary routine morning business, if there is an opportunity, or, if not, during the day when there may be an opportunity—and I will seek such opportunity—call up the resolutions introduced by the Senator from Georgia [Mr. BACON], and ask for consideration and action upon them.

Mr. BACON. I ask that the amendment I have submitted may be printed in the RECORD and as a document.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The amendment will be received and printed in the RECORD and also printed as a document, in the absence of objection.

The amendment intended to be offered by Mr. BACON to the Senate resolution directing the Committee on Relations with Cuba to investigate and report relative to receipts and expenditures in Cuba is to add:

That said committee or any subcommittee thereof shall have the power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may either by full committee or subcommittee hold their sessions during the sessions of the Senate or during the recess of Congress at such place or places as they may determine for the efficient and proper execution of this order to be necessary or important either in the United States or in Cuba, to employ stenographers and such clerical assistance as may be deemed advisable; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

EULOGIES ON THE LATE REPRESENTATIVE BLAND.

Mr. COCKRELL submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring). That there be printed 6,000 additional copies of the eulogies upon the late Richard P. Bland, a Representative from the State of Missouri; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

STATUES OF BENTON AND BLAIR.

Mr. COCKRELL submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of the late Thomas H. Benton and Francis P. Blair, presented by the State of Missouri, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for the use and distribution by the governor of Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statues to accompany said proceedings, said engravings to be paid for out of the appropriation for the Bureau of Engraving and Printing.

COST OF ARMY TRANSPORTATION, ETC.

Mr. MORGAN. I present a resolution which I send to the desk, for which I ask present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved. That the Secretary of War is directed to furnish to the Senate, as fully and accurately as is practicable at this time, answers to the following inquiries:

SECTION 1. What has been the cost to the United States since May 1, 1898, of the transportation paid to or due to railroad companies for the transportation of officers and men in service with the Army of the United States, and of animals, property, munitions, equipment, arms and supplies of every kind belonging to the Quartermaster, Commissary, and Ordnance Departments of the Army, sent to the Philippine Islands from the Pacific coast or brought from any of said islands to the Pacific coast of the United States and sent to their destination from that coast to any part of the United States?

SEC. 2. What has been the cost of transportation, by sea, of the officers, men, animals, and other belongings of the Army mentioned in section 1 of these resolutions, since May 1, 1898, to Manila or other ports in the Philippine Islands, or from such ports to the ports of the United States on the Pacific and Atlantic oceans?

SEC. 3. What tolls, and at what price per ton, and what fares or charges for passengers, have been paid by the United States since May 1, 1898, to the Suez Canal Company for transports or troop ships and for troops passing through said canal, and the tonnage of each ship and its draft?

SEC. 4. What sum has been paid to each railroad company, or each line or system of railroads, naming the same, that terminates on or near the Pacific coast, for the transportation that is mentioned or referred to in section 1 of this resolution, so as to designate the system of railroads, known as the trans-continental railroad lines, on which such transportation was furnished?

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CHANDLER. I ask that that resolution may go over.

The PRESIDING OFFICER. Objection being made, the resolution will go over.

COST OF NAVAL TRANSPORTATION, ETC.

Mr. MORGAN. I present another resolution, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved. That the Secretary of the Navy is directed to furnish to the Senate, as fully and accurately as is practicable at this time, answers to the following inquiries:

SECTION 1. Since May 1, 1898, what armed vessels, tenders, and war ships have been sent to the Philippine Islands by order of the Secretary of the Navy, or from said islands to other ports or places, giving the name, tonnage, and the time and place of departure and arrival, and the distance of sea travel of each voyage?

What is the cost of fuel consumed on each of said voyages, and the cost per ton of such fuel at the port of Manila, for each month during the period since said May 1, 1898?

SEC. 2. What tolls have been paid to the Suez Canal Company on each vessel sent through said canal by order of the Secretary of the Navy, and the price per ton paid for each vessel since May 1, 1898?

SEC. 3. What distance was covered, and in what time, by the battle ship *Oregon* in her voyage from the Pacific coast to Key West; and in her voyage, subsequently, from the Atlantic coast of the United States to Manila; and whether said voyages, respectively, were made within a reasonable time? What was the cost of the coal consumed on each voyage by the *Oregon*?

What was the cost of coal consumed on each ship under the command of Admiral Dewey on his return from Manila to the United States, and what distance was covered in that voyage?

The PRESIDING OFFICER. Does the Senator from Alabama ask for the present consideration of the resolution?

Mr. MORGAN. I do.

Mr. CHANDLER. I ask that that resolution may go over until to-morrow.

The PRESIDING OFFICER. The resolution will go over.

Mr. MORGAN. As the resolutions are to go over, I desire that they may be printed. I ask that both resolutions may be printed.

The PRESIDING OFFICER. The order to print will be made, in the absence of objection.

DEPENDENT-PENSION ACT.

Mr. GALLINGER. I offer a resolution, which I send to the desk, for which I ask immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That there be printed for the use of the Senate 500 additional copies of public act No. 94, entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,' approved June 27, 1890," said copies to be delivered to the Senate document room.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let the resolution be again read.

Mr. GALLINGER. I will say to the Senator the resolution simply provides for reprinting the amended pension act of June 27, 1890, the information coming to me that the supply is entirely exhausted, and that calls are coming in for it.

Mr. COCKRELL. That is all right.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri does not call for the reading of the resolution again?

Mr. COCKRELL. No.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was considered by unanimous consent, and agreed to.

CIVIL-SERVICE EXAMINATIONS.

Mr. GALLINGER. I present another resolution, for which I ask present consideration.

The Secretary read the resolution, as follows:

Resolved, That the Civil Service Commission is hereby directed to furnish the Senate, at the earliest practicable day, information as to the number of persons examined, under the direction of said commission, for appointment in the public service during each fiscal year since July 1, 1895, the number who passed the required examination each year, the number who received appointments, the number who were dropped from the eligible list because of not having received appointment within one year after successfully passing the required examination, and the number now on the eligible lists, designating the different classes of eligibles.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. LODGE. I should like to have that resolution go over and be printed.

The PRESIDING OFFICER. The resolution will go over, and be printed.

EDUCATION IN PORTO RICO.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the division of customs and insular affairs, War Department, 700 copies of Senate Document No. 363, being the report of Dr. Victor S. Clark on education in Porto Rico.

CONSTITUTIONS OF SOUTH AFRICAN REPUBLICS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby requested, if not deemed incompatible with the public interest, to transmit to the Senate a translation of the constitutions of the South African Republic and the Orange Free States.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. KYLE. Is the morning business closed, Mr. President?

The PRESIDING OFFICER. It is not. Concurrent and other resolutions are still in order. If there are none such, there are resolutions coming over from a former day, which it is the duty of the Chair to lay before the Senate.

Mr. PETTIGREW. I rise to morning business. I wish to offer a resolution, which I ask to have read, and lie over until to-morrow.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Privileges and Elections be discharged from the further consideration of joint resolution proposing an amendment to the Constitution providing for the election of Senators of the United States, and that said joint resolution be reported to the Senate and placed upon the Calendar for consideration.

The PRESIDING OFFICER. The resolution will be printed and lie upon the table, subject to the call of the Senator from South Dakota [Mr. PETTIGREW].

MILITARY STATISTICS RELATIVE TO THE PHILIPPINES.

Mr. DANIEL. I ask the Senate to consider at this time—

The PRESIDING OFFICER. Morning business is not yet concluded. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. KENNEY on the 19th instant, as follows:

Whereas it has been officially stated, on the strength of reports received from the general commanding in the Philippines, that the insurrection in those islands has been successfully suppressed; and

Whereas it is understood that the War Department is making preparations to return to the United States the troops now stationed in the Philippines, with a view of complying with the provisions of the act of March 2, 1899, providing for a temporary increase of the military forces and for the reduction of the Army to its former strength on or before July 1, 1901: Be it

Resolved, That the Secretary of War be directed to furnish to the Senate a statement showing—

1. The territory over which the military operations in the Philippines extended from September 1, 1899, to April 1, 1900.

2. The places in which garrisons were established during the period from September 1, 1899, to April 1, 1900.

3. The places occupied as garrisons by American troops on April 1, 1900.

4. The number of officers and enlisted men in active service in the Philippines on April 1, 1900.

5. The number of deaths in the army in the Philippines from all causes during the period from September 1, 1899, to April 1, 1900.

6. The number of wounded or sick soldiers in hospitals and soldiers disabled or incapacitated for service in the Philippines on April 1, 1900.

7. The number of enlisted men discharged the service in the Philippines for any cause since September 1, 1899.

8. The number of additional enlisted men sent to the Philippines since July 1, 1899, to recruit regiments stationed in the archipelago.

9. The number of American soldiers who have become insane since the occupation of the islands and what disposition has been made for their treatment.

10. The number of American soldiers belonging to the army in the Philippines who have committed suicide since the occupation of the islands.

Mr. LODGE. Mr. President, when that resolution was offered I asked that it go over in order that I might examine it. It seems to me that it is hardly in a shape in which it ought to be adopted. The last two clauses, in regard to insanity and suicide, have already been answered. The answer will be found on pages 5032, 5033 of the CONGRESSIONAL RECORD, an official statement from the War Department, coming entirely within the jurisdiction of the committee of the Senator from Connecticut [Mr. HAWLEY]. All the other inquiries, except the first three, are covered by the resolution which was introduced by the Senator from Nebraska [Mr. ALLEN] on the 24th of March, and reported on the 29th of March from the Committee on Military Affairs, with amendments enlarging its scope, which is now upon the Calendar, and which, I think, is in better form than this resolution. It seems to me also that in a resolution of inquiry it is not best to have a preamble, which might involve a good deal of debate, which undertakes to commit the Senate to a number of statements of fact.

Therefore, Mr. President, although this does not come within the scope of my committee, it seems to me it ought to go to the Committee on Military Affairs. A slight amendment of the resolution reported by the committee, now on the Calendar, would cover all that is asked for here and in better form.

I make this statement because I asked in the first place to have the resolution go over.

Mr. KENNEY. Mr. President, the distinguished Senator from Massachusetts [Mr. LODGE] who has just spoken gave notice some time ago that he would to-day call up the bill to provide a government for the Philippine Islands. I was under the impression that it was on the Calendar, but I do not see it there.

The Senate of the United States, Mr. President, is soon to be called upon to pass upon the question of a government for the Philippine Islands, and it does appear to me that there ought not to be withheld from this body any information that any department of this Government can give to the Senate which would enable it to have the fullest information in regard to the conditions in those islands. If the Senator from Massachusetts or if the Administration does not desire to give the information asked for in the resolution, then of course I must draw the conclusion that there may be some information called for by the resolution which it is not desired that the Senate or the country should have.

If there has been information furnished to the Senate as called for by any previous resolution here offered and adopted, then it will be a very easy matter for the Secretary of War to answer any one of the inquiries contained in my resolution by a reference to the answer heretofore given.

I notice an article to-day in the Post, of this city, headed "Retaken by Filipinos—Americans now occupy only a few coast towns." It is a short article of a quarter of a column, giving us newspaper information as to the condition in those islands. I am not the only Senator, neither am I the only American citizen, who desires to know just the conditions that to-day are existing in those possessions, if they be possessions, of the United States in that far-away sea.

If this resolution, Mr. President, should go to the Committee on Military Affairs, or to any other committee, it will be practically impossible to have it reported back favorably to the Senate in time to get the information that, in my judgment, it is necessary that we should have before we pass upon the bill to which I a moment ago referred. So I hope the Senate will refuse to commit the resolution to the Committee on Military Affairs or to any other committee, but that it may be adopted and the information may be had as speedily as possible.

Mr. LODGE. Mr. President, I have no desire to interfere with getting any information there is. I think that all the information that is asked for in the resolution it is perfectly proper to have; but this thirst for information, I merely pointed out, might have been quenched if the Senator would have taken the trouble to look at the proceedings of this body, as to part of it; at all events, the last two clauses. Moreover, I object to preambles to resolutions of inquiry.

The Committee on Military Affairs have had a resolution on the Calendar since the 29th of March, which any Senator who is interested in the matter could have called up and have passed at any

moment; and it seems to me that that was the easiest way to get the information. But if it is thought better to pass this resolution without the preamble, I have no objection in the world to it.

Mr. KENNEY. In reply to the statement of the distinguished Senator from Massachusetts [Mr. LODGE] as to the preamble of the resolution, I desire to say that that preamble does not contain anything that has not been published and stated throughout this country as being facts. If so, there certainly can be no reason why the resolution should not be preceded by a preamble reciting what the War Department has sent out and published from one end of the country to the other as to the facts existing in those islands.

Mr. LODGE. Mr. President, I for one have no knowledge of any such statement as is set forth in that preamble. I do not believe that there is any reason why the Senate should undertake to commit itself to a series of statements put forward by the Senator from Delaware without considerable investigation. I have no objection in the world to the inquiry, but if we are to be committed to a series of statements of that sort, I think it will take some discussion before we can agree to the resolution.

Mr. KENNEY. I want to say, in reply to the suggestion of the Senator from Massachusetts, that if he had been as industrious as he should have been in looking over the proceedings of this Senate he would probably have been advised of the fact that there have been such statements made here.

Mr. CARTER. Mr. President, when Calendar No. 801, the resolution presented by the Senator from Nebraska [Mr. ALLEN], was referred to the Committee on Military Affairs, it was accompanied by quite an extensive preamble reciting matters concerning which members of the committee could not agree; but it was unanimously agreed that the inquiries to be propounded to the Secretary of War were proper in themselves and would elicit the information desired quite as effectually as if accompanied by a lengthy preamble. The committee further concluded that some additions should be made to the resolution. The amendments in the body of the resolution were very meager. We inserted in line 7, it will be observed, after the word "disease," the words "or suicide;" in line 12 we struck out the word "contagious" before the word "diseases," so as to give the inquiry a more sweeping character; and we added at the conclusion of the resolution the following:

And also that the comparative losses and disabilities of white and colored troops in the Philippine Islands be included.

The committee thought information upon that point would be of advantage in matters relating to future legislation.

This resolution, presented at that time by the Senator from Nebraska, covers in substance the subject-matter embraced in the resolution of the Senator from Delaware [Mr. KENNEY]. The difficulty of the duplication of work is very aptly illustrated by the presentation to the War Department, should the Senate so decide, of these two resolutions covering the same general question, but using somewhat different phraseology. The phraseology varies just sufficiently to require a dual investigation and a dual report upon the same question.

Inasmuch as the Committee on Military Affairs, in the report upon the resolution of the Senator from Nebraska, manifested a desire, not only to make a report favorable to the investigation, but likewise elaborated the scope of the resolution presented, striking out the preamble, which is objectionable and unnecessary, I suggest to the Senator from Delaware, in order to harmonize these two resolutions and before the one now upon the Calendar is passed, that he let his resolution be referred to the Committee on Military Affairs.

Mr. ALLEN. Will the Senator permit me to interrupt him?

Mr. CARTER. It is thought proper—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. CARTER. I will yield in one moment, if the Senator will permit me to finish the sentence. I suggest that we harmonize the two resolutions, embracing in one resolution all the inquiries contemplated by the two. I suggest further to the Senator that he may without any difficulty offer such amendment as he may think proper to the resolution now on the Calendar, formerly presented by the Senator from Nebraska. Any one of these various ways will be satisfactory and will accomplish the purpose he has in view and save the time of the Senate and transact the business in an orderly fashion.

Mr. ALLEN. I should like to ask if the Senator has any objection to taking up the resolution and putting it upon its passage at this time?

Mr. CARTER. I see no objection to the resolution being considered. I speak for myself alone.

Mr. ALLEN. With the consent of the Senator from Delaware I ask unanimous consent that the resolution on the Calendar may be taken up for consideration.

Mr. KENNEY. Mr. President—

Mr. ALLEN. It will be open to amendment.

Mr. KENNEY. Do I understand that it does not affect my resolution?

Mr. ALLEN. Not at all.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the resolution under consideration may be laid aside and that the Senate take up for consideration resolution No. 222, reported by the Committee on Military Affairs. Is there objection?

Mr. TILLMAN. Let it be read, Mr. President.

The PRESIDING OFFICER. Does the Senator desire it read for information or consideration?

Mr. GALLINGER. Let it be read for information.

The Secretary read the resolution submitted by Mr. ALLEN March 24, 1900, and reported from the Committee on Military Affairs March 29, 1900.

The PRESIDING OFFICER. Is there objection to the substitution of this resolution for the one under consideration? The Chair hears none.

The resolution was reported from the Committee on Military Affairs with amendments, in line 7, after the word "disease," to insert "or suicide;" in line 12, before the word "diseases," to strike out "contagious;" and at the end of the resolution to insert:

And also that the comparative losses and disabilities of white and colored troops in the Philippine Islands be included.

So as to make the resolution read:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following information: A statement of the number of soldiers, volunteer and regular, who have been killed and died from wounds received in the Philippine Islands since August 1, 1898; the number of regular and volunteer soldiers who have died from disease or suicide during that period; the number who have been wounded in action or otherwise, and what proportion of them are still incapacitated for duty; the number who have committed suicide during said period; the percentage of sick, disabled, and invalid soldiers therein; what diseases have been prevalent, if any, in the military camps on the islands of the Philippine Archipelago during said time, and what steps, if any, have been taken for the better protection of their health, and a statement of the number of soldiers who have become insane since the close of the Spanish-American war while in service in the Philippine Archipelago, and the disposition which has been made of them. And also that the comparative losses and disabilities of white and colored troops in the Philippine Islands be included.

The amendments were agreed to.

Mr. KENNEY. I desire to amend the resolution as reported from the committee which has just been read by adding thereto such inquiries as are contained in the resolution I offered on Saturday that are not contained in this resolution.

The PRESIDING OFFICER. Will the Senator state more specifically the amendment he proposes?

Mr. KENNEY. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the resolution the following:

Also to include the territory over which the military operations in the Philippines extended from September 1, 1899, to April 1, 1900.

The places in which garrisons were established during the period from September 1, 1899, to April 1, 1900.

The places occupied as garrisons by American troops on April 1, 1900. The number of officers and enlisted men in active service in the Philippines on April 1, 1900.

Mr. TILLMAN. I suggest to the Senator from Delaware that if we want the information we want it up to date, and that he had better change the date from April 1 to May 1, because the War Department can give the one just as well as the other. In view of the statement he has read that our garrisons are withdrawing from the interior and retiring to the coast, we ought to know just the status now, rather than what it was six weeks ago.

Mr. KENNEY. I will accept the amendment making it for May 1, 1900, wherever April 1 occurs. I also ask that the article in the Post may be printed as a part of the remarks I have submitted.

The PRESIDING OFFICER. The amendment will be modified by changing the date from April 1 to May 1, 1900. The question is on agreeing to the amendment.

Mr. CARTER. The amendment, as I understand the Senator, includes the first, second, third, and fourth paragraphs of the resolution formerly presented by him.

Mr. KENNEY. And that is all.

Mr. CARTER. I see no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Delaware.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. THURSTON. I desire to submit a conference report.

Mr. GALLINGER. Will the Senator from Nebraska yield to me for just a moment to get an order made?

The PRESIDING OFFICER. Will the Senator please suspend? The Senator from Delaware requested, and the Chair omitted to bring the matter to the attention of the Senate, that in connection with the passage of the resolution which has just been considered an article printed this morning in the Washington Post may be inserted in the RECORD. Is there objection?

Mr. HAWLEY. What is the article about?

Mr. KENNEY. Down to the words "The first death of a white man." I do not desire all of it, but only a portion of it inserted, down to the words "The first death of a white man."

The PRESIDING OFFICER. The Chair has no knowledge of what the article is beyond the statement of the Senator from Delaware.

Mr. KENNEY. I read the headlines. If the Senator desires me to read the article, I will do so. It is headed, "Retaken by Filipinos. Americans now occupy only a few coast towns."

Mr. LODGE. I rise to a question of order. Are we still on the matter of that inquiry? I understood that the resolution had been passed and a conference report submitted.

The PRESIDING OFFICER. The Senator from Delaware, at the time the matter was under consideration, asked that the article might be printed in the RECORD. The Chair omitted at that time to bring it to the consideration of the Senate, and so stated, and brings it to the attention of the Senate.

Mr. HAWLEY. Before assenting or dissenting I should like to know what is the general drift of the article.

Mr. KENNEY. I will read it. It is headed:

Retaken by Filipinos—Americans now occupy only a few coast towns—Situation in southern Luzon—General Bell orders the garrisons to withdraw from the interior—Moros in Mindanao rise in arms and open fire from a Spanish fort—Shelled by a gunboat, but insurgents hold their own—First American to die in Manila from the plague.

The article is as follows:

MANILA, May 21.

Gen. James M. Bell, commanding the hemp provinces of southern Luzon, has issued an order to his officers not to attempt to organize the municipal governments, as prescribed by Major-General Otis in his recent order, on account of the disturbed conditions. The Americans occupy a few coast towns, which the insurgents surround, constantly assailing the garrisons, which are too small to attempt operations in the surrounding country.

Major Wise, with two companies, is in Donsol, an important town of Sorsogon, surrounded by a thousand insurgents. The Americans occupy trenches and are continually exchanging shots with the enemy. Several regiments are needed to control each southern province, but they can not be spared from their present stations. Another squadron of cavalry will be sent to General Bell.

On the first trouble occurring with the Moros in the southern part of Mindanao, at Cottabatto, Major Brett sent a detachment to preserve peace at a conference between two quarrelling chiefs. During the conference the tribesmen began shooting. One of the bands fired upon the Americans from an old Spanish fort. The soldiers returned the fire, killing several of the natives, but they were unable to take the fort, although a gunboat shelled it. Major Brett is sending a larger body to punish the recalcitrants.

Mr. HAWLEY. That now goes into the RECORD, does it not?

The PRESIDING OFFICER. The Chair so understands. It goes in as a part of the remarks of the Senator from Delaware.

Mr. HAWLEY. I have no objection. We all read it in the morning papers.

Mr. KENNEY. I did not desire to read it, but I was forced to do so by the objection.

Mr. HAWLEY. I have no objection to it going into the RECORD.

NORTH AMERICAN TRUST COMPANY OF HAVANA.

The PRESIDING OFFICER laid before the Senate the resolution submitted by Mr. JONES of Arkansas on the 19th instant; which was considered by unanimous consent, and agreed to, as follows:

Whereas the New York Journal, in its issue of May 14, 1900, declared under an Havana date line that the North American Trust Company of Havana has a practical monopoly of the banking business of the island of Cuba, and is the fiscal agent of the United States Government in that island, pays all Government drafts and warrants and exacts a commission of 1 per cent for every Government draft or warrant cashed; and

Whereas it is further declared in the Journal: "In these and still more extensive operations a comparatively small coterie of politicians and public officials are making fortunes out of the Government's financial department in Cuba;"

Resolved, That the Secretary of War be directed to report to the Senate, as early as practicable, all information in his possession relative to the organization and composition of the North American Trust Company; to report the nature of the Government's financial business transacted by said trust company; whether or not the Cuban revenues, as well as any or all of the money of the United States Government, including that used in the payment of the United States troops, are handled by the said trust company; how and by whom the said trust company was designated as the fiscal agent of the United States Government; what security, if any, said trust company has furnished the United States Government, and whether or not any commission is charged by the said trust company for the cashing of Government drafts or warrants; the purpose being to ascertain everything concerning the North American Trust Company and its financial operations in connection with the United States Government.

ANDREW F. DINSMORE.

Mr. GALLINGER. I submit a concurrent resolution and ask for its present consideration. It is a matter that ought to be attended to. It will take but a moment.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate No. 3215, granting an increase of pension to Andrew F. Dinsmore.

INDIAN APPROPRIATION BILL.

Mr. THURSTON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department

and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 29, 40, 61, 62, 64, 65, 68, 72, 73, 80, 81, 87, 89, 90, 91, 93, 103, 108.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 46, 48, 51, 52, 53, 54, 57, 60, 66, 69, 70, 71, 74, 76, 78, 79, 82, 83, 84, 86, 88, 92, 96, 97, 98, 99, 100, 101, 104, 105, 106, 109, 114, 115, 116, 117, 118, 119, 120, 122, 123, and 126; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the total sum proposed insert "\$83,150;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 21 of the bill, in line 12, strike out "or grazing," and after the word "purposes," in the same line, insert "only;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: After the word "purpose," in line 7 of said amendment, add the following: "Provided, That hereafter the clerks of the district courts in the Indian Territory shall account for and pay into the Treasury of the United States all fees collected in excess of \$1,000 per year; all settlements to be made in accordance with such rules and regulations as the Attorney-General may prescribe;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$24,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: After the word "identified," in line 8 of said amendment, strike out the words "and enrolled;" in line 14 of said amendment strike out the words "they shall" and insert "may;" after the word "allotment," in line 16 of said amendment, insert "Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all after the word "That," in line 10 of said amendment, down to and including the word "Secretary," in line 28, and in lieu thereof insert:

"The Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of 200 or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site, which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract."

"Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section 29 of the act of June 28, 1898, entitled 'An act for the protection of the people of the Indian Territory, and for other purposes,' shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before."

"The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

"Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that nation. Every such local commission shall be appointed in the manner provided in the act approved June 28, 1898, entitled 'An act for the protection of the people of the Indian Territory.'

"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

"As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisal of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisal and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.

"The Secretary of the Interior may, for good cause, remove any member of any town-site commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.

"It shall not be required that the town-site limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such town-site limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as

the same shall appear at the times when such limits are respectively established: *Provided further*, That the exterior limits of all town sites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

"Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding 160 acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such town site at the time. Such town sites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other town sites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior.

"Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said act of June 28, 1898, in the way of surveying, laying out, or platting of town sites, appraising or disposing of town lots in any of said nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof."

And the Senate agree to the same.
That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "such number of;" and in line 4 of said amendment strike out the word "four" and insert "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 58 and 59, and agree to the same with an amendment as follows: After the word "available," in line 4 of said amendment No. 58, insert the word "and;" after the word "dollars," in line 5 of said amendment No. 59, insert "in all the sum of \$25,300, reimbursable under the provisions of the act of March 2, 1889," said two amendments to be assembled and stand as one amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 4 of said amendment strike out "thirty-nine" and insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 11 of said amendment, after the word "within," strike out "one year" and insert in lieu thereof "six months."

After the word "identity," in line 12 of said amendment, insert "in such manner as the Secretary of the Interior may prescribe;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "first," insert "carefully examined and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In line 1 of said amendment strike out all after the word "Interior" down to and including the word "and," in line 7 of said amendment; in line 8 of said amendment, after the word "lands," insert "and improvements;" in lieu of the total sum proposed by said amendment insert "\$171,615.44;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,440,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In line 5 of said amendment, after the word "plant," strike out "two" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$32,050;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the total sum proposed insert "\$54,325;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the total sum proposed insert "\$122,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "establishment," in line 1 of said amendment, insert "in the discretion of the Secretary of the Interior;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the total sum insert "\$109,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "purchase," insert "in the discretion of the Secretary of the Interior."

In line 3 of said amendment, after the word "dollars," insert "or so much thereof as may be necessary;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 121, and agree to the same with an amendment as follows:

Strike out the matter inserted by said amendment and amend with amendments, as follows:

On page 44, line 7 of the bill, after the word "buildings," insert "and for sewerage, water supply, and lighting plants."

And on page 44, line 7 of the bill, after the word "hundred," insert "and forty."

On page 44, line 8 of the bill, after the word "dollars," insert "and \$40,000 of which shall be immediately available;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: On page 55, lines 12 and 13 of the bill, strike out "upon the reservation," and insert "at reservation or industrial schools;" on page 55, line 15 of the bill,

after the word "advisable," insert "and the sum of \$10,000 is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 125, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and on page 55, line 17 of the bill, strike out the word "such" and insert "unimproved;" and on page 55, line 18 of the bill, after the word "lands," insert "for agricultural purposes;" and the House agree to the same.

That the Senate recede from its amendment numbered 127, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, and on page 59, line 16 of the bill, after the word "lands," insert: "and all sales and conveyances of lands of deceased allottees by their heirs, which have been duly made and executed by such heirs and duly approved by the Secretary of the Interior, are hereby ratified and confirmed;" and the House agree to the same.

JOHN M. THURSTON,
O. H. PLATT.

JAMES K. JONES,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,

JOHN S. LITTLE,
Managers on the part of the House.

Mr. THURSTON. I submit and ask to have printed in the RECORD the following tabulated statement:

	Amount of House bill.	Amount of Senate bill as passed.	Amount as reported by conference committee.
Current expenses, salaries, etc.....	\$821,140.00	\$825,098.00	\$825,098.00
Fulfilling treaty stipulations.....	2,319,246.09	2,300,942.49	2,300,942.49
Miscellaneous—supports, gratuities..	635,500.00	646,500.00	646,500.00
Incidental expenses.....	82,180.00	92,680.00	92,680.00
Support of schools.....	2,932,467.00	3,125,210.00	3,105,367.00
Miscellaneous.....	474,204.96	1,523,414.75	1,253,009.75
Total.....	7,264,738.05	8,513,845.24	8,223,597.24

The PRESIDING OFFICER. Will the Senate agree to the conference report?

Mr. JONES of Arkansas. Mr. President, I signed that conference report, and I am in favor of its adoption, but I wish to make a statement in connection with it before the vote is taken.

One point of difference which engaged the attention of the conferees for a considerable time was the provision which the House inserted on page 65 of the bill, amendment 110. The House inserted the following paragraph:

For the purpose of removing the Indian school now located at Perris, Cal., to a new and more suitable site at or near Riverside, Cal.: *Provided*, That a suitable site can be obtained there for a reasonable sum, to be selected by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, for the purchase of land, the erection of buildings, and for other purposes necessary to establish a complete school plant upon the new site \$75,000.

The Senate amended the provision by striking out the words:

For the purpose of removing the Indian school now located at Perris, Cal. to a new and more suitable site at or near Riverside, Cal.

And inserting these words:

For the establishment of an Indian school at or near Riverside, Cal.

The effect of the Senate amendment being to leave the school at Perris, Cal., while proposing to build a new school at Riverside.

While this matter was pending in the committee of conference, there were numerous and conflicting reports coming to the committee, some urging the establishment of a new school at Riverside, others protesting against the removal of the school from Perris, and it seemed impossible to find out what the facts were. After investigation and considerable debate, the conferees agreed to amend this proposal by leaving the provision for the Perris school to remain as the Senate had fixed it and amending the proposition as the Senate had adopted it for the establishment of an Indian school at or near Riverside, Cal., by inserting the words "in the discretion of the Secretary of the Interior." So, while the school at Perris remains, the question as to whether there shall be a new school established at Riverside shall be determined by the Secretary of the Interior, and it is to be there located if it should be needed.

Charges have been made about the wrongs to which the Government was compelled to submit at Perris that were enough to stir one's blood. On the other hand, statements were made that there was really no necessity for the removal of the school at Perris. I have here, and I want to read for the purpose of getting it into the RECORD, a letter from a gentleman with whom I am well acquainted, a lawyer at Los Angeles, who has or can have no connection with this matter—and says he has none whatever—so that the authorities, the Secretary of the Interior and the Commissioner of Indian Affairs, when the question shall come up as to whether or not there shall be a new school established at Riverside, shall have the statement made by this man Gibbon. The letter is as follows, under date of May 14:

LOS ANGELES TERMINAL RAILWAY COMPANY, GENERAL OFFICES,
Los Angeles, Cal., May 14, 1900.

MY DEAR SIR: On yesterday I visited the Indian school at Perris and saw the buildings and inspected the surroundings of the school, investigating

quality of land and possibility of water supply. I had with me a copy of the letter of Superintendent Harward Hall, of the school, of date April 12, 1900, addressed to Hon. JAMES S. SHERMAN, chairman of the Committee on Indian Affairs of the House of Representatives, and copies of which letter, I am informed, have been presented to the Committee on Indian Affairs of the Senate, of which you are a member.

In my investigations I made particular inquiry on the points mentioned in Mr. Hall's letter, and the following is the result of actual personal observation and investigation:

First, the land in Perris Valley, surrounding the Indian school, is, judging by the crops which it produces, as good as there is in California. I saw as fine orchards and also as fine alfalfa growing upon it as I have ever looked at. I was told by several farmers in the vicinity of the Indian school that they reap from six to eight crops of alfalfa per annum from their lands, where proper care in irrigating is given, and the crops average from 8 to 10 tons per acre per annum. Alfalfa hay has never, in the ten years that I have been in California, commanded a less price than \$6 per ton, and has often brought twelve to fifteen dollars per ton. The average price is probably seven to ten dollars. The 80 acres of land on which the Perris Indian school is at present located, judging from my own observation and from the opinions of various people intimately acquainted with it, is as good as any in the valley, and with proper care could be made to produce an abundance of fruits and vegetables for the use of the school, and will easily produce forage sufficient to feed all the horses needed by the school, sufficient cows to produce milk and butter, and, indeed, from the produce of the land might readily be raised all the meats required by the school.

The water supply of Perris Valley surrounding the school is not only unsurpassed but hardly equaled by any other portion of southern California. There are within 5 miles of the Perris School from twenty to thirty wells producing from 25 to 100 inches constant output, or, that is, as constantly as the output is needed for use in irrigating the ranches on which the wells are located. Superintendent Hall in his letter says that Mr. Chandler's well to which he refers is situated about a mile from the nearest point on the school land. In point of fact, it is located, I believe, just half a mile from the nearest point on the school land, and I saw 100 inches constant flow being pumped from this well, and am told that they have so pumped it constantly for six weeks without lowering it an inch. The owner of this well offers to furnish water to the school at rates below any rates at which water for the same purpose can be obtained near Riverside, where it is proposed to move the school.

There is, however, no apparent reason why a well equally as good can not be obtained upon the land owned by the school. Superintendent Hall admits that at one time they had an excellent well there, which, he says, afterwards failed. I am informed by numbers of parties that the failure of the well is owing to the fact that it is not kept properly cleaned out. In fact, I believe that a portion of a broken pump is at the present time stuck in the well so as to retard the flow of the water. Responsible parties have offered to contract with the Government to sink a well upon the school land—they to receive the usual pay for the same if it should turn out a good producing well, and to receive nothing if it should prove a failure. There are wells near the school, and apparently situated upon the same water-bearing land underlying the school land, which have been pumped for years without any apparent diminution of the supply.

An electric plant is at the present time being constructed in the valley within a few miles of the school, with the idea of distributing electricity throughout the valley, to run motors for pumping purposes, and from the prices for power quoted by the projectors of this enterprise, it would appear quite possible for the school to secure sufficient power to pump from 50 to 100 inches of water constant flow out of a well sunk upon its grounds, at an expense of certainly not over \$100 per month. The buildings of the school are in excellent shape, judging from my own observation and from the reports of others. In this connection I would refer to a copy, which I send you, of a letter recently written by Mr. Rust, a former superintendent and a citizen of excellent standing in this community at the present time, to the Hon. Merrill E. Gates, in which Mr. Rust speaks of the result of a recent personal investigation on his part as to the condition of the buildings. I note that Mr. Hall, in his letter, refers to the buildings as being lathed and plastered on the outside, etc. This stucco construction is very common in this country. Indeed, many of our handsomest and most costly private and public buildings, residences, hotels, etc., have this construction, and it is regarded as being most successful and appropriate in this climate.

My observations showed me that the surroundings of the school indicated the greatest neglect in the practical business of running the same. I saw a field of alfalfa showing an excellent stand, but which had evidently not been irrigated for a long period and was suffering for that reason. Yet half a mile from this field and on precisely the same character and quality of land, so far as I was able to judge, was a field of as fine alfalfa as one would wish to see, made so by being regularly irrigated. I am reliably informed that the school is now purchasing forage for the ten or a dozen horses maintained on it. With the character of land owned by the school and the opportunity of obtaining irrigating water, either by purchasing the same at a very reasonable rate from parties who develop it near by or by getting the water from a well on the school land, there is absolutely no excuse for this condition of affairs. The 80 acres of school land should produce not only sufficient forage for the horses, but also enough to feed cattle for dairy and beef purposes, hogs, and poultry.

In addition to the benefit which the Government should receive from this system of management, it would also appear to be a valuable training in the duties of farm life to the inmates of the school. Both the boys and girls of the school could, if the land were properly managed, be taught valuable lessons in husbandry, dairying, horticulture, gardening, poultry raising, etc. So far as I am able to learn, there appears, however, no effort to do anything of this kind, and just what the Indians under the present management learn that will be of practical value to them when they are turned out upon the world, beyond the book education given them, I have not been able to comprehend. I am told that even in hauling coal for fuel, a distance of a mile and a half from the railroad station, neighboring farmers with wagons and teams are employed, whereas that work should certainly be done by the inmates of the school, having at their service several horses and, I suppose, vehicles for the purpose. I am also informed that the school gives the garbage and kitchen refuse to a farmer near by, who uses it in raising and fattening hogs which he afterwards sells in the form of pork to the school. This is certainly bad management, not to say bad husbandry.

I am informed that the present superintendent of the school estimates 80 inches of water as necessary for a complete supply for the school. The usual ratio of water per acreage in this country is 1 inch of water for every 8 to 10 acres of fruits and 1 inch to every 2 to 4 acres for alfalfa. It would not be possible, in my judgment, for the superintendent to use over 40 inches of water at the school, and that much would by no possibility be necessary unless every acre of the land was under cultivation. With all the land under full cultivation in alfalfa, the crop requiring the largest amount of water, and the full complement of cattle, horses, and stock of all kinds for such a place, 40 inches of water would be entirely sufficient for all domestic and agricultural requirements of the school with the present number of inmates. This estimate is based upon absolute and positive information of the character of the soil and the requirements of the various crops.

In conclusion, I have to say from my personal observation and knowledge that in my judgment no better place for the Indian school could be found than it at present occupies, considered from the standpoints of moral surroundings, healthful climate, good soil, the possibility of obtaining a cheap and abundant supply of water, and, indeed, every feature which goes to make a desirable location for an institution of this kind.

I am unable to appreciate how the proposition to remove the school to the vicinity of Riverside, a considerable town, with the usual undesirable moral features of such a place, when considered in the light of a location for a school of Indian pupils, may be entertained for a moment. The school at the present time is surrounded by an agricultural community and miles away from any influences likely to be injurious to the pupils, and in a location best calculated, it appears to me, to surround the pupils with those influences most desirable for people of their kind and character.

I was asked to make these investigations by some people of my acquaintance who are familiar with the effort that is being made to move the school from its present location. I have not a dollar's interest in the matter, and I presume it is unnecessary for me to say to you that I have not received, and do not expect to receive, any compensation for the time spent in investigating the subject, other than the satisfaction of having made an effort to bring about what I believe to be right and just in this matter.

I have the honor to remain, very sincerely, yours,

T. E. GIBBON.

Hon. JAMES K. JONES,
United States Senate, Washington, D. C.

Mr. President, the writer of that letter is well known to me personally, and I have no doubt of the absolute truth of every statement made by him. But notwithstanding this, the statement is made that the 80 acres upon which this school is located, which were given to the Government some years ago and upon which the Government has erected buildings at a cost of \$25,000, is alkali land and is practically worthless; that it is surrounded by land practically waste; that the houses which have been built in the vicinity are abandoned, and that nobody is living there at all. These are statements which come in favor of the removal of the school.

Now, what the conferees have done is to provide that the school shall remain where it is for the present, and the Secretary of the Interior is authorized to look into and investigate the necessity for the establishment of a school at Riverside. I strongly believe that there is no occasion for any school at that place. It is a considerable town, and not a desirable location for an Indian school, especially if we propose to have a training school to teach the children to become useful citizens afterwards. They are only 15 miles from Riverside as the school now stands, and it seems to me they are close enough to it.

I deemed it fair to the Senate and to the Secretary of the Interior to give this statement, made by a man whose statements I believe are worthy of consideration, and who is on the other side of this question, so that when the Secretary comes to make up his mind as to whether with this money which we put in his hands, to be exercised in his discretion, he shall determine if another school shall be built at Riverside, he may determine it with some degree of discretion.

Mr. STEWART. This is about the worst case of conflicting testimony that has come under my observation.

Mr. JONES of Arkansas. Just one moment. I think it is due to Mr. Gibbon to state that I myself telegraphed him, asking him to make this investigation when these conflicting stories came out, and this letter is the response.

Mr. STEWART. Is the letter of the superintendent of the school in the hands of the chairman of the committee? I think that ought to go in in justice to him. This is a pretty severe arraignment of the superintendent, and I think his letter ought to go in and form an issue, and then we leave it to the Secretary of the Interior to investigate and determine the question. I think the superintendent's letter ought, in justice to all parties, to be published.

Mr. THURSTON. I will send down to my committee room for the letter and have it brought here, and I will ask to have it printed in the RECORD in connection with the letter just read by the Senator from Arkansas.

Mr. STEWART. They should be printed together, so that the Secretary of the Interior will have the whole case before him.

Mr. JONES of Arkansas. That being the case, I will add another letter that has come to me on the same subject.

Mr. PERKINS. The letter is from T. E. Gibbon?

The PRESIDING OFFICER. The Senator from California will suspend for a moment. The chairman of the Committee on Indian Affairs asks permission to insert a letter in the RECORD, which has been addressed to him, and the Senator from Arkansas also asks permission to insert a letter in the RECORD bearing upon this controversy. Is there objection? The Chair hears none.

Mr. THURSTON submitted the following letter:

DEPARTMENT OF THE INTERIOR, INDIAN SCHOOL SERVICE,
United States Indian School, Perris, Cal., April 12, 1900.

DEAR SIR: Referring to the change made by the Senate Indian Committee in the item of removal of this the Perris School to Riverside, etc., to that of the establishment of a new school at Riverside, which has passed the Senate, based upon a letter read to said committee by Dr. Merrill E. Gates, written by Harry Chandler, of Los Angeles, who owns land in this vicinity, said letter of Mr. Chandler's, among other things, saying that he will sell this school water at 30 cents per inch, and states further that an inch of water is 720 gallons continuous flow per minute, I would say that Mr. Chandler made a gross

and misleading statement, for an inch of water is not 720 gallons per minute, but is 540 gallons per hour, a tremendous difference.

Were Mr. Chandler in a position to furnish 540 gallons per hour per inch and give a bond to supply same for any reasonable length of time, the price of 30 cents per inch for 40 inches of water (540 per hour), the very least amount required for 80 acres of land, would cost the Government \$4,320 per annum; such enormous and exorbitant price would certainly preclude the purchase thereof.

I would respectfully say further that this land of Mr. Chandler's, upon which he very recently dug a well, is located about 1 mile from the nearest point of the school land, and the question of such well furnishing a continual flow by pumping is considered very uncertain. The Government has sunk a well upon this school farm to a depth of 416 feet, over two times as deep as any well in the whole Perris Valley, and said well is now practically a failure. At first it afforded a splendid flow of water, but after being used continuously the flow diminished until it furnished only 5 inches of water. This, I believe, will prove to be the case with Mr. Chandler's well.

Mr. Chandler and other nonresidents who own land hereabouts seem ready to make any kind of a proposition in order to retard legislation against the removal of this school. I will further say that the school land is the poorest in this section, being strongly impregnated with alkali, and is of such nature that it runs together like paint when wet, and when dry gets as hard as a rock. Even were it possible to get plenty of water we could not successfully raise even garden vegetables nor do anything whatever in the way of farming or teaching our pupils agricultural pursuits. We are compelled to buy all vegetables and fruit for the pupils, as well as grain and hay for cows and horses, and have done so for years. The few cows and horses that we are compelled to keep eat more than double their worth each year. No increase in stock can be allowed on account of the great expense to keep them. No income in any conceivable way is derived from the farm. The school is located upon a vast plain. A great many people in the neighborhood of the school have abandoned their farms and homes and gone elsewhere in order to make a living. We have no industrial surroundings nor benefits of civilization or its influence. A nonreservation school should have the best industrial influences; they should be real and constant. The only reason at all for nonreservation schools is on account of securing industrial influences and civilizing training.

The buildings that are here are old and worn; are lathed and plastered on the outside, penetrated by winter rains, and are in bad condition generally. All the plant combined cost about \$25,000 originally. To-day the plant is not worth \$5,000. The Assistant Commissioner of Indian Affairs and also National Superintendent of Indian Schools have visited this school and condemned the site and buildings in no uncertain terms.

I have had the record (formation of soil) of the school well examined by experts and they report that the water-bearing strata are too narrow to allow water of any considerable flow for any length of time. At present we barely secure sufficient water for domestic use and none whatever for irrigating purposes, not even for lawns, garden, or yard.

In view of these facts and for the benefit of the Indian youth of California, I would strongly urge and recommend that the item in the Indian appropriation bill be changed to read as it passed the House of Representatives, as the appropriation made year by year to continue this school upon its present and altogether unsuitable site should be given to the new school at Riverside, where all conditions, water in abundance at prices ranging from 5 to 15 cents per inch under the best water system in California, civilizing influences and interest generally are to be had.

It seems to me that it will be a waste of money to continue the school upon this site.

Very respectfully,

HARWOOD HALL, Superintendent.

Hon. JOHN M. THURSTON,
Chairman Committee on Indian Affairs,
United States Senate, Washington, D. C.

P. S.—I will add that I have written the above also to Hon. JAMES S. SHERMAN, chairman of the House Committee on Indian Affairs, and sent a copy of same to honorable Commissioner of Indian Affairs.

Mr. JONES of Arkansas submitted the following letter:

SOUTH PASADENA, CAL., May 10, 1900.

DEAR SIR: Since having read Superintendent Hall's letter regarding the worthless condition of the Indian school buildings at Perris I have visited the school and examined the buildings carefully. I found them in good condition generally. Superintendent Hall conducted our party through the buildings, and I looked carefully to find the leaky condition represented by Mr. Hall. I saw in one upper room a slight stain on the ceiling, indicating a leak in the roof, but nothing of recent date. The day before I made the examination 1½ inches of rain fell, the heaviest fall for months, and I expected to find greater evidences of the leaky condition.

In the kitchen, the one-story part, I saw that some two yards of plastering had fallen by reason of a leak around the chimney. I saw no evidence that any effort had been made to repair it. My experience tells me that I could repair it in a few hours.

I also saw in three places on the outside of the buildings where less than 4 yards of plastering had fallen. This was where some ornamental work had been done in lath and plaster above the first story, which is of brick and so situated that it would not admit the water to the inside of the building. No attempt at repair has been made on this, and these places were the only ones which seemed to need repair. I found the building in better condition than I expected, the whole structure standing unusually well.

Mr. Hook, of Perris, who was with me, asked Superintendent Hall if he did not consider the building good enough for an Indian school. He replied, "I do." I found the rooms all clean, tidy, and in good order, well ventilated, the ceilings all white and clean, the beds made and in order; a general condition reflecting credit upon the superintendent.

The pupils looked remarkably healthy and clean. The ornamental and fruit trees looked much better than I expected, still they showed a want of water and cultivation. I am sure that proper cultivation would have kept the place in much better condition.

I saw no evidence of good, thorough farming or cultivating, and having cultivated similar lands here for eighteen years, I think I know what is needed.

In this country thorough cultivating does much to preserve and retain moisture, and with it the school lands will not bake as represented.

I was told that the main well produced only 5 inches of water, the second well only producing enough for domestic purposes. I know by experience this amount of water, properly utilized, would give all the vegetables needed for the school. The sewage should all be utilized and some alfalfa grown.

We are told that want of water forbids cultivating and producing crops, and the soil is bad. I think the superintendent is mistaken, for, having cultivated a similar soil here for eighteen years, I know that 80 acres is—every acre—a fine, rich, easily cultivated land, upon which nearly all crops may be raised to advantage.

I was told that the hay and grain for the horses and cows was all pur-

chased, that no hogs are kept on the place, that the cabbage is given away, that no vegetables were grown for the table except onions, which Superintendent Hall told me did well. I am sure I could raise most of the vegetables we use when onions will grow. I am confident that a good farmer can grow on that land, with what water they have, all the vegetables needed for the school, but it will require intelligent effort and is one of the lessons the pupils ought to learn. To do this a good farmer is necessary, and I believe that those pupils—Indian boys and girls—should be taught to use and properly care for the domestic animals and poultry, to grow all crops and harvest the same, to plant and care for a garden, and to do all domestic duties, so that they can find employment upon the farms and in the homes of white men.

Instead of this I could not learn from any source that any such competent help had been sent out from the school. Instead, I saw some one hundred and fifty well-dressed young Indians being educated, fed, and clothed by the Government, far better cared for than a large majority of the young white people in the country.

That more water is needed I have no doubt; that it can be had at a reasonable cost I am confident. Before putting up the school buildings I sunk a well upon the premises and found a water-bearing gravel at about 50 feet. This satisfied me that water could be had. Another well has been sunk which produces about 5 inches. Later a large amount of water has been discovered and developed in the vicinity. Mr. Johnson, who lives 120 rods south of the school, tells me that he sunk a well 93 feet deep and 11 inches in diameter, passing through 32 feet of water-bearing gravel, and the water now stands 36 feet below the surface. He has not yet put in a pump.

Mr. Newport, whose lands join the school lands on the east section, has two wells within 1 mile, and told me that he could guarantee to the Government that they should get all the water needed by sinking a well; and Mr. Newport owns many thousand acres in the valley, and is perfectly responsible. Others are ready to do the same.

I hope, dear sir, that you will use your influence to have a responsible man examine this land and building and make his report before those buildings are abandoned. I am confident that there is no good reason for abandoning this valley. I have no doubt another school can be sustained and pupils be found glad to be supported as these are, but I do want to see this school properly conducted and a practical farmer employed. I think Superintendent Hall's influence is bad in teaching these pupils that they need city life for their education. I would teach them to be laborers and producers. The accompanying map will show you where the principal wells in the vicinity of the school are located. The statement by the citizens of Perris, I think, will verify my statements.

Truly, yours,

HORATIO N. RUST.

Hon. MERRILL E. GATES,
Secretary of Indian Commission, Washington, D. C.

Mr. PERKINS. Mr. President—

Mr. JONES of Arkansas. T. E. Gibbon is the name.

Mr. PERKINS. I simply want to say that the gentleman who has written the letter to the Senator from Arkansas is also personally well known to me, and I have every reason to agree with my friend from Arkansas that his statement is an unbiased statement of the facts as they exist, although, as the Senator from Nevada has said, they are at great variance with the statements of the superintendent of the school and others which have been presented here to us.

However, I wish to say on the part of my colleague and myself, who have the honor to represent this Indian reservation and this school for the education of the untutored children of the desert plains, this conference report meets our approval. It leaves the whole matter in the hands of the Secretary of the Interior as to the advisability of removing the school or permitting the school to remain and establishing another at Riverside. Therefore I hope the report will be concurred in by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. PETTIGREW. Mr. President, I desire to examine this report, and therefore I wish to have it printed and lie over until to-morrow in order to give an opportunity to see what the conferees have done.

The PRESIDING OFFICER. The Senator from South Dakota asks that the conference report be printed and lie over until to-morrow. Does he desire to have it printed separately?

Mr. PETTIGREW. No; just printed in the RECORD; I think that is sufficient.

The PRESIDING OFFICER. It has already gone in the RECORD, and there is no further printing required.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 8498) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898;

A bill (H. R. 8665) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street;

A bill (H. R. 10740) to regulate the grades of Twentieth street, and for other purposes;

A bill (H. R. 11326) to regulate the collection of taxes in the District of Columbia; and

A bill (H. R. 11650) relating to certain railway corporations owning or operating street railways in the District of Columbia.

The bill (H. R. 5711) extending the term of patent No. 287230 was read twice by its title, and referred to the Committee on Patents.

MARGARET M. BADGER.

The PRESIDING OFFICER laid before the Senate the bill (S. 1006) granting an increase of pension to Margaret M. Badger,

returned from the House of Representatives in compliance with the request of the Senate.

Mr. GALLINGER. Mr. President, by way of explanation, so that the claimant under this bill may not be disturbed, I will state that the Senate passed a bill in behalf of the beneficiary. The House also passed a bill of its own. When the House bill came here the Senate committee took it up and reported it, and that bill was passed and will undoubtedly soon become a law, so that this bill may be indefinitely postponed. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be indefinitely postponed.

The motion was agreed to.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PETTIGREW. I offer an amendment to the bill which I should like to have printed and pending. I ask that it be read, printed, and lie on the table.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That all hostile demonstrations on the part of the armed forces of the United States in the Philippine Islands shall at once cease, and that we offer to the people of said islands self-government, based upon the principles of our Constitution and the Declaration of Independence, and that negotiation on this basis be at once opened with the existing native government for a settlement of all differences, with a view to the speedy withdrawal of our armed forces, and that full authority is vested in the President of the United States to carry out the provisions of this act.

The PRESIDING OFFICER. The Chair understands that the Senator from Alabama [Mr. MORGAN] on the 12th day of April proposed an amendment to the bill. At any rate, he gave notice of an amendment proposed to be offered, and the Chair is informed that he stated at the time that he wished it should be considered as the pending amendment to the bill.

Mr. MORGAN. I offered that amendment.

The PRESIDING OFFICER. If that be so, the Senator from South Dakota will offer his amendment as one intended to be proposed to the bill, and it will be printed.

Mr. LODGE. It is to be printed and lie on the table for the present.

Mr. PETTIGREW. Certainly. That is the parliamentary status of my amendment. It is simply to be printed and lie on the table, and I shall call it up at the proper time.

PUBLIC BUILDING AT GRAND JUNCTION, COLO.

Mr. WOLCOTT. The Senator from Wisconsin [Mr. SPOONER] who has the floor has kindly yielded to me for a moment as I shall be called from the Chamber for the rest of the day. I ask unanimous consent that a very short bill for a public building may be considered. It is Senate bill 2868. It will take but a moment.

The Secretary read the bill (S. 2868) to provide for the purchase of a site and the erection of a building thereon at Grand Junction, in the State of Colorado; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 7, after the word "apparatus," to strike out "elevators;" in line 11, after the word "apparatus," to strike out "elevators;" and on page 2, line 1, before the word "thousand," to strike out "seventy-five" and insert "one hundred and twenty;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Grand Junction and State of Colorado, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$120,000.

The amendment was agreed to.

The next amendment was, on page 3, to strike out lines 15 to 22, inclusive, in the following words:

No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States, nor until the State of Colorado shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS ARISING DURING THE WAR WITH SPAIN.

Mr. SPOONER. Mr. President—

Mr. TILLMAN. Will the Senator from Wisconsin kindly yield to me to have a bill passed that will take no time?

Mr. LODGE. The Senator from Wisconsin has been waiting some time to speak. It seems to me he ought to be allowed to proceed now.

Mr. SPOONER. I agreed to yield to the Senator from South Carolina.

Mr. TILLMAN. I thought the Senator from Wisconsin was perfectly able to take care of himself without the assistance of the Senator from Massachusetts.

Mr. SPOONER. I yield to the Senator.

Mr. TILLMAN. I do not see why the Senator from Massachusetts should interpose.

Mr. LODGE. I make no objection to this bill, but I shall object to any further requests at this time. I made no objection.

Mr. TILLMAN. I know you did not.

I ask leave to call up the bill (S. 3763) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CHANDLER. Mr. President, I object.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. SPOONER. Mr. President, I have not recovered from the ailment which detained me from the Senate yesterday, and I am anxious to be through at the earliest possible moment. I ask leave of the Senate to have incorporated, without reading, in my remarks, some extracts from official documents, which will save me and save the Senate time.

The PRESIDING OFFICER. The Senator from Wisconsin asks permission, as he proceeds with his speech, to incorporate in it, without reading, extracts from official documents, which will be stated by him at the time. Is there objection? The Chair hears none.

Mr. SPOONER. Mr. President, I am impelled to address the Senate upon this measure, which is the unfinished business, partly because I took the responsibility of introducing it, and owe it to myself to state with frankness the reasons which led me to do so.

The Senator from Massachusetts [Mr. LODGE] has addressed the Senate upon it in a speech which was very masterful and very eloquent and beautiful, with most of which I agree. I wish to consider the subject upon somewhat different and in some respects less radical lines.

I suppose, Mr. President, it will be admitted that had there been no war with Spain and she had tendered to us "without money and without price" a cession of the Philippine Archipelago and a treaty accepting that cession had been transmitted to the Senate for its action, it would have received hardly a vote in this body and would have proved entirely unattractive to the great body of our people. The suggestion in advocacy of it that we are "Trustee" to lead the nations of the earth in the work of civilization would not have been at all persuasive.

The quick and sufficient answer to that would have been that, while this is a missionary people, this is not and can not become a missionary Government, and that it is not our function, philanthropic as we may be and as this people is, that their Government shall police the world, seeking for people oppressed, living in the darkness of ignorance and half civilization, in order to uplift them.

It would have been said that we have problems of our own to solve, some of them complicated, all of them important, and that the first duty of this Government, trustee of our people, is to subserve the interests of our people, to develop the illimitable resources of this continent, to spread the blessings of education among the people, to give to the country equal laws, and to lift up as far as may be all here who are oppressed. If it had been said that the islands are full of mineral wealth, of untold richness in soil, and of unspeakable beauty, that would have produced no effect in this Chamber.

Our people would not have harbored the thought of going into distant seas and taking archipelagoes of alien people because of the richness of the islands. I can conceive of no argument in

favor of the acceptance of such a proposition which would have found much, if any, favor here or in the country.

There would have been found no lust of empire among us; nor is there now, in my opinion, in the sense in which that term is now used in this body and in the country by certain distinguished gentlemen.

But, Mr. President, when the treaty of Paris was sent to the Senate, containing, as it did, a cession of the Philippine Archipelago to us, it came, not as a simple proposition of purchase in time of peace, but it came to us environed by the complications of war and as one of the fruits of war. The debate did not ignore that. We had gone to war with Spain, a war the like of which in its inspiration the whole world never before saw.

No people ever can give to the world higher evidence, Mr. President, of devotion to liberty than the people of the United States gave when they demanded the withdrawal of Spain from Cuba, and resorted to war to enforce that demand. Admiral Dewey, long before that treaty of cession came to us, had destroyed the Spanish fleet in Manila Bay, and made for himself in a day a fame which can never fade. Our troops in Cuba, bearing themselves with the utmost heroism, had forced the capitulation of Santiago, and Sampson and Schley had sent to the bottom the prize fleet of Spain under command of Cervera.

Something more had happened, Mr. President. Admiral Dewey had called for troops to be sent to Manila, and they had been sent. They were not sent to defend the fleet, and everyone knew it. They were sent to capture and hold Manila, and everyone knew it. Admiral Dewey could have forced in a day the surrender of Manila, but he had not the troops with which to hold it. There are men who have regretted that troops were sent to Manila. Was any voice raised in this Chamber or in this country against the sending of soldiers to Manila?

I remember very well some criticism of the President that they were not sent with sufficient alacrity; but I never heard a lip of objection to their being sent to Manila. When the Paris treaty came before us for ratification, Manila had been captured with 13,000 Spanish troops and their arms, and the soldiers of the United States held that city and its suburbs.

I did not myself take at all kindly to the acquisition under its provisions of the Philippine Archipelago. There was a time when, if it had come to a vote, I would not have been willing to vote for it.

I stated to the Senate while that treaty was pending, and I restate it now in a word, that, facing each of the alternatives which presented themselves to the President, I could not see how he could have done any other thing than to demand the incorporation in that treaty of a cession to us of the Philippine Archipelago. Several alternatives were open to us. I shall not spend much time upon this. One was to leave the Philippine Archipelago with Spain; to omit it from the treaty. I felt obliged to reject that alternative.

I could not see then, nor have I ever been able to see since, how the President could have concluded, under the circumstances, a treaty of peace with Spain which did not contain a cession of the Philippine Archipelago. All with whom I have spoken upon the subject have said to me—and it was the sentiment of our country, and it had no lust of empire in it—whatever else is done about the Philippine Archipelago, that people must not be left under the tyranny of Spain. That sentiment pervaded this entire people. Am I wrong about that?

Mr. President, our people had been inexpressibly shocked by the unspeakable cruelties perpetrated by Spain in Cuba. No one will soon forget the black days of the reconcentrado period. No one will soon forget the stories, not overtold—impossible to overtell—of the tyranny, the wickedness, and the awful savagery of Spain in Cuba. Our people, not choosing to consider a cause of war existing in their own behalf, sustained the Congress and sustained the President in going into a war to snatch the island of Cuba and her people from that thralldom.

It was hardly to be expected, Mr. President, after our Navy had broken the power of Spain in both seas, and after Spain had applied for a suspension of hostilities with a view to a treaty of peace, that a people who, without cause of war which it chose to enforce on its own behalf, had poured out its treasure and the blood of its sons for the liberty of another people alien to them, because of cruelty and oppression which could not longer be tolerated, would be willing that in the end of that struggle another people, vastly greater in number, who had also been subject to the same tyranny, should be left in the hands of Spain. *By the fortunes of war we were there.*

It would have seemed to the world, many of us thought, that we had carried our flag of liberty to the mountain top, where all the world could see it, and then, afraid to meet responsibility, shuddering from duty, had incontinently run with it into the valley below, where no man could see it or would wish to see it.

It has been thought that if all mention of the Philippines had been omitted from the treaty, Spain never could have retaken

those islands. Mr. President, I have never believed that. I have had no doubt myself that Spain would have resumed her sway in the Philippine Archipelago. I have never seen any reason to doubt it. First, it must be remembered that we had sent back to Spain 142,000 soldiers, with their arms. Spain, no longer involved in Cuba or in Porto Rico; Spain, vanquished by us, but proud and haughty, would not have been willing to abandon the last of her possessions—that one in the Pacific seas.

We would have been obliged in honor to march our troops out of Manila and to allow the troops of Spain, in such numbers as she chose, to occupy the city. Spain then had a navy free. Many of the nations of the world sympathized with her. They all would have preferred her retention of the Philippines to strife among themselves for their possession, as there would have been.

The holders of Spanish bonds all over Europe, based upon a hypothecation of the revenues of Cuba, Porto Rico, and possibly the Philippines, would have been eager to furnish the money, for obvious reasons, to enable Spain to retain her great Pacific possession, and with her fleet and her troops she would, with comparative ease, have resumed her sway in the Philippines.

We could not do that, we thought; and there was not a man in the Senate then, nor is there one here now, I take it, who would have been willing that all mention of the Philippines should have been omitted from that treaty.

Even Aguinaldo contemplated the possibility that the treaty might leave the Philippines with Spain, and the certainty that Spain would attempt to resume her sovereignty there. In his letter of August 21, 1898, to the commanding officer of our forces, in reply to the demand that he withdraw his forces from Manila, he stated thus one of the conditions of such withdrawal:

They also (referring to the Filipinos) desire that if in consequence of the treaty of peace which may be concluded between the United States of America and Spain the Philippines should continue under the domination of the latter, the American forces should give up all the suburbs to the Filipinos, in consideration of the cooperation lent by the latter in the capture of Manila.

In reply to this he was informed that in the event of the United States withdrawing from these islands care would be taken to leave him in as advantageous position as he was found by the forces of the Government.

It has been said that we should have demanded of Spain that she relinquish sovereignty over the Philippines, as she did over Cuba. That could not be expected of her. It would have been a demand to which Spain, even in her overthrow and in her poverty, could not have yielded.

Spain might very well say to us, "We relinquish our title to Cuba; that was the cause of the war; that was your demand at the outset, coupled with a declaration that you would not acquire Cuba; we will cede to you Porto Rico; and while we will, if it is exacted, cede to you the Philippines, you have no right to demand of us, you not wanting them, you not willing to take the burden of them, you not willing to safeguard them, that we quitclaim them to the world, purely in the interest of your philanthropy and of your vaunted love of liberty."

She would have said to us, "You have no interest in the Philippines; you have never been in the Philippines except during this war; the Philippines or their people had no relation to the inception of the war; you are there only by the accident of war; you have no property interests there; you allege no violated treaties with reference to the Philippines, and you have no foundation upon which a nation, victorious in war, dealing justly with a defeated antagonist, can demand, simply for reasons of sentimentality, our relinquishment of title and sovereignty over this last great possession, as we agreed in the protocol and agree in the treaty to do as to Cuba."

Mr. President, it was thought by many, too, that that would have left them, if Spain had been willing to relinquish the Philippines, we not taking them to a strife among the nations for their possession; and, more than that, to an internecine strife among the many tribes of different characteristics, of different grades of civilization, which would have shocked the world.

So I thought that the treaty ought to be ratified. I voted for its ratification, containing, as it did, the cession of Porto Rico and of the Philippine Archipelago to the United States. I said at the time, Mr. President, that if, in my judgment, it committed the country to permanent dominion in the Philippines, I would not vote for its ratification.

Mr. President, it was, and is still, insisted and eloquently argued that the treaty should have been so amended that by its terms we should sustain the same relation to the Philippines which we do as to Cuba. If Spain could have been brought to consent to it, which there is no good reason to believe, subsequent events have made plain the absolute impossibility of our successfully sustaining the same relation to the Filipinos that we sustain as to Cuba.

Cuba is near at hand, with a small population, comparatively, who knew us, believed in us, and were grateful to us. Spain had

surrendered Cuba and her cities to us, and we were military occupants.

The Philippines are 7,000 miles away, with a population of eight or ten millions of many tribes, strangers to us, easily prejudiced against us, with an alleged government really hostile to us, as I will show. *Even under cession of title and sovereignty* we have not been able to avert attack and hostility *begun before ratification of the treaty.*

It is idle now to suppose that Aguinaldo would have consented to our doing in the Philippines what we are doing and will do in Cuba in the way of establishing a stable government. With no cession of the archipelago, and with the hostility of the Tagolos, we should have been obliged to use force, *without even claim of title or sovereignty*; remain only in Manila, or withdraw from the islands. What many of us thought then has been abundantly demonstrated since.

We had taken Manila. That was a complication not to be overlooked. The Spaniards had gone back to the mother country, and when we drove the Spaniards out of Manila, when our soldiers marched into that city and the flag of the United States floated over it, what did it mean? It meant that we had driven out the power which protected the inhabitants of that city, and had taken upon ourselves the duty of protecting its inhabitants; and there never has been a day since the 13th day of August, when Manila was captured—and I say it without fear of successful contradiction—when the United States, without cowardice and absolute dishonor, could have withdrawn her troops from Manila and sailed away.

Many of us thought so when we voted upon the treaty. We know it now, Mr. President. The Senator from Massachusetts [Mr. LODGE] referred to it in his speech. Aguinaldo's secretary of the interior, who was also a member of his staff, issued a proclamation or order calling on the Filipinos in Manila and elsewhere to join in the massacre of every foreigner. It was dated February 15, 1899.

Here is the second clause of the order, Mr. President. Men who talk about civilization over there, who draw parallels between the greatest leaders for liberty in history and some of the half-caste leaders in the Philippines, who have seemed to exult sometimes in coupling with the name of Aguinaldo the name of Washington, can find no comfort in this production:

2. Philippine families *only* will be respected. They should not be molested; but *all other individuals of whatever race* they may be will be exterminated without any compassion after the extermination of the army of occupation.

That is not simply the father. It is the mother, the wife, the sons, and the daughters. It is those of mature years and the little ones—the family.

Was ever anything worse than that? And who made this order? Teodoro Sandico. Who was he? One of the men closest to Aguinaldo; a member of the junta in Hongkong, present at the meeting of the junta on May 5, and largely governing its deliberations by his ability and his will; one of the thirteen chosen by Aguinaldo to accompany him to Manila; secretary of the interior, and a staff officer; one of the three men whom one of our consuls mentioned in his correspondence—Aguinaldo, Agoncillo, and Sandico—as men of great ability who would be leaders anywhere, in any affair.

And when Senators introduce the proposition to withdraw our Army now from Manila, with Englishmen there, with Germans there, with Spaniards there, with Hollanders there, with Frenchmen there, and Americans there, with their wives, and their children, and their property, and with friendly Filipinos there, against whom vengeance has been sworn, Mr. President, they make a proposition which in the end they themselves would hesitate to adopt.

Mr. PETTIGREW. I should like to ask the Senator what proof he has of the verity of this order?

Mr. SPOONER. What proof has the Senator of the verity of the immense number of things he has uttered on the floor of the Senate? I have the same. It was sent here. Where did the Senator from Massachusetts get this?

Mr. LODGE. It is in the official report of General Otis. It was published.

Mr. PETTIGREW. I say now that Sandico never issued the order, and that they can not produce any proof of it, and that it was got up for the purpose of influencing the people of this country.

Mr. DAVIS. I should like to say that I applied to the War Department six months ago for a copy of that order, having read about it in the papers, and received that as an authenticated verity.

Mr. PETTIGREW. I say to the Senate Sandico never issued it.

Mr. DAVIS. How do you know?

Mr. SPOONER. Did Sandico tell you?

Mr. PETTIGREW. When an order of that sort is produced here, some proof of it ought to be produced. What I say is this: My proof is good as to that. That order was issued by the parties in Manila who are in the habit of issuing orders of that sort, even under Spanish rule, for the purpose of prejudicing the case of the

insurgents, and that no proof of it can be produced that it emanated from Sandico. The simple fact that it was sent here from the War Department is no evidence.

Mr. SPOONER. I have seen a cablegram to Manila asking who issued this order and one replying that it was Teodoro Sandico.

Mr. PETTIGREW. That is no proof that Sandico issued it. I deny it and I dispute it, and you can not bring the proof.

Mr. SPOONER. The trouble with the Senator is that everybody is a liar who does not help make a case against this Government. [Applause in the galleries.]

Mr. PETTIGREW. That will not answer. Until the proof is produced that Sandico issued that order it has no business here, and there is no such proof.

Mr. SPOONER. Well, it is here and it will stay here. [Applause in the galleries.]

The PRESIDING OFFICER. The Senator from Wisconsin will suspend for a moment. There must not be applause in the galleries.

Mr. ALLEN. I ask that the rules of the Senate be enforced, and that if manifestations of approval or disapproval are repeated, the galleries be cleared.

The PRESIDING OFFICER. The rules of the Senate require that there shall be no applause in the galleries, and if it is insisted on the galleries must be cleared. The Chair trusts that the rules will be observed.

Mr. SPOONER. I shall read extracts from a number of papers. If the Senator calls upon me for what in court would be evidence of authenticity, I can not give it, any more than I suppose the Senator can make original proof of many of the statements which he has made here and which undoubtedly he believes.

Mr. PETTIGREW. I will say that so far as the statements I made are concerned I brought the proof from the official record.

Mr. SPOONER. What record?

Mr. PETTIGREW. Document 62, transmitted to us by the President.

Mr. SPOONER. What proof?

Mr. PETTIGREW. That was good proof as against the Administration, but it is not good proof as against the insurgents, where there is no other evidence. Simply the transmission of the statement is not good proof.

Mr. SPOONER. I had supposed until now that an official report of General Otis was an official document. Am I wrong about that?

Mr. PETTIGREW. Does the Senator ask me the question?

Mr. SPOONER. Any way.

Mr. PETTIGREW. It would be Otis's official report, but then when Otis undertakes to say that somebody else did something, he may believe it, but that is not proof that the other person did it.

Mr. SPOONER. No?

Mr. PETTIGREW. That is the point.

Mr. SPOONER. That is on the basis of the man—

Mr. PETTIGREW. But further than that, in General Otis's reports we get fragments of the truth, a censored press, withheld information, which gives a false coloring to the facts; and for proof of that I refer to the statement signed by the Associated Press correspondents and the correspondents of all the newspapers last year, which is conclusive. It has not been denied.

Mr. SPOONER. Conclusive of what?

Mr. PETTIGREW. Conclusive that Otis did not give us the full facts; that the reports do not cover the whole ground, and that they are garbled statements of the truth.

Mr. SPOONER. That was a very interesting observation the first time I heard it, for I have heard the Senator say that a great many times.

I think that General Otis, in command over there, would have very much better facilities for ascertaining accurately the truth than the Senator from South Dakota, and, so far as I am concerned in this discussion, I take as prima facie established statements in the official documents of this Government, and when General Otis embodies this order in a report of his and when upon a cablegram he furnishes the name of its author, I take the liberty of believing it and of asserting it. The fact that this is official puts the burden of proof upon the Senator. His facilities for obtaining accurate information over there may be better than those of General Otis, but I think not.

All I read that order for is to show that when men glibly talk about withdrawing our Army from the Philippines they forget that we have a solemn duty to discharge there in the protection of the people of that city, and they make a proposition which even in the heat of a Presidential election can never meet the commendation of the American people when they stop to consider it.

Mr. President, I do not intend to spend time in discussing the power of this Government to accept the cession of the Philippines. I discussed that in the speech which I submitted upon the treaty. That we have the power to make war and to make peace is admitted. That we have the power, in making a treaty of peace to accept as indemnity from a conquered government territory,

inhabited or uninhabited, has been settled by the Supreme Court of the United States and has been established by the practice of the Government from the beginning.

If it were otherwise, if there were no such provisions in the Constitution as the war-making, the treaty-making power, the fact that the framers of this Government created a nation carries with it all the elements of sovereignty and all of the elements of national power which inhere in national sovereignty anywhere, unless by some part of our Constitution it is apparent that those powers were intended not to exist. I certainly do not find the limitations contended for.

It has been said that this was not a conquest, and a letter from Judge Day, written to some person last fall, was cited by one Senator, in which it was stated that it was not a conquest, but was a purchase. Mr. President, if anything could be plain in the use of the English language it is plain from the protocols, printed and laid before the Senate, that the United States demanded a cession of the Philippines, and that it was yielded to by Spain under protest as a conquered power.

I have the profoundest respect for Judge Day. He is a man of very great ability, a man whose opportunities for accurate knowledge upon the subject are better than mine, of course, but I can read the protocols; I know the history so far as the world knows it; I know the attitude of some of his confreres; and I am not willing to accept the proposition that the acquisition of the Philippines was a mere purchase, just as if we had not emerged from a war, and as if this were a treaty of purchase instead of being a treaty of peace. Spain did not willingly part with that last jewel in her crown which had shone there for three hundred and fifty years. It was exacted as indemnity, as California was, and became a "ceded conquest."

Mr. President, it has been said and argued with much of spirit and elaboration that we had no power to take the Philippine Archipelago without the consent of the inhabitants. If anything is settled in international law, I think it is settled and must be settled that the doctrine of "the consent of the governed" can not be made applicable to inhabited territory exacted from a conquered power at the end of a war.

Mr. Hall, who is one of the ablest writers on international law, says:

The principle that the wishes of the population are to be consulted when the territory which they inhabit is ceded has not yet been adopted into international law, and can not be adopted into it until title by conquest has disappeared.

If that were not true, no Territorial indemnity could ever be exacted at the end of a war, if it were inhabited, without first obtaining the consent of the inhabitants, subjects of the conquered power, bound to them by association and ties of different kinds. It would be very easy to defeat the demand for indemnity if the inhabitants were induced to object. No other government ever has held to that doctrine, nor has ours; and I maintain that the founders of this Government did not intend that in the essential matter of national and international power it should be below the other governments of the earth.

Much has been said about the Declaration of Independence, especial reference being had to these phrases:

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Veneration for the Declaration is universal in this country. Our people have been taught from boyhood to revere it. I am not willing that those of us who do not find in anything there written obstruction to the performance of what we consider a national duty should be charged, without denial, with abandonment of its principles. I can not spend much time upon it. Certainly no phrase in it is of more importance than the assertion that "All men are created equal."

That this is abstractly true I do not deny. That it ever has been capable in any country, under any government, of literal application or fulfillment no one will assert. That it were universally true all good men wish. That it ever will be universally true under government conducted by men the most optimistic dare not hope. In few countries has it been less true than in this Republic. In some countries it is quite as true in the practical affairs of life and government as it is in our own.

It is not easy to forget that the man who penned those words was at the time he wrote them himself the owner of men and women and children. True, his mind revolted against the ownership of human beings by human beings, and later he manumitted his slaves. By his own conduct he construed this declaration as we all believe it, but he could not enforce his construction of it among his countrymen.

Some of the men who adopted the Declaration of Independence with that clause in it framed the Constitution of the United States, and in that Constitution was a recognition of human slavery; not only that, but a clause the purpose of which was

solely to protect human slavery, a clause which the Supreme Court of the United States held to sustain the fugitive-slave law, making slave hunters of men whose souls revolted not only from that function but from the institution itself; a Constitution under the operation of which for seventy-five years millions of people—and I do not utter this in any spirit of partisanship—were held in shackles; every tie which binds a man to wife, to child, to home, possible to be broken; the wife sold away from the husband, the husband sold away from the wife; the daughter, the pet and pride of the cabin, sold to the arms of a brute; the little toddling infant the idol of the mother's heart, the light of the little plain home, no right there, there by the sufferance of an owner; and all that was lawful under the Constitution of the United States interpreted by the Declaration of Independence.

To enlarge the application of the declared equality among men required at the end of three-quarters of a century, a dreadful strife between brothers and friends, an immeasurable sacrifice of life and happiness and treasure, and all in violation, as they thought, of that clause of the Declaration, "Governments * * * instituted among men, deriving their just powers from the consent of the governed."

For, Mr. President, I think the Senator from South Dakota [Mr. McCUMBER] was accurate in his statement the other day that the rebellion against the Federal Government was necessarily based primarily upon this doctrine, "the consent of the governed," involving also, secondarily, the question whether the people of the revolting States had not disabled themselves from withdrawing from a Union to whose government they objected, that they might establish one for themselves which would "derive its just powers from the consent of the governed."

Mr. TILLMAN. I had always supposed that the civil war grew out of the difference of construction as to whether the Constitution was a compact between confederated States or whether it was a Union of States that was inseparable under any conditions; in other words, whether we were a confederacy or a nation.

Mr. SPOONER. In one way that was involved in it.

Mr. TILLMAN. Was not that the only issue involved?

Mr. SPOONER. No, sir.

Mr. TILLMAN. Of course slavery—

Mr. SPOONER. If we had been governing you with your consent, the question never would have arisen. It was because the South thought—most of them thought—that there was a purpose on the part of the people of the North to invade the rights of the States, to interfere with your domestic affairs, which justified you in revolution, which led your people to say, "We can not be governed under this Constitution or as members of the Union any more." Then arose the question whether the Constitution stood in the way of your assertion of that right of revolution—in other words, of your withdrawal of a consent to be governed any longer under the Constitution by the Federal Government.

Mr. TILLMAN. The seed of war was sown with the Constitution when it was adopted, for the reason that the contention on the part of the South of the rights of the States had led to nullification thirty years before the war in the assertion of the right of a State not to be governed against its will in certain things by the Federal Government.

Mr. SPOONER. Oh, Mr. President, the seed of war was sown in the Constitution. I am not disposed to disagree with the Senator about that. It was sown in the Constitution, I have always thought, when political power was given to the owners of human property, and when there was put into the hearts and purpose of a part of our people the motive to enlarge the ownership of that property, to increase it, and to multiply it, thereby under the Constitution acquiring greater power in the electoral college and in the House of Representatives.

Mr. TILLMAN. This is a bootless discussion—

Mr. SPOONER. Yes.

Mr. TILLMAN. And I would not have entered into it but for the fact that the Senator turned to me and in a manner somewhat personal made some allusion.

Mr. SPOONER. I do not think the Senator ought to blame me for turning to him. He is a very attractive man.

Mr. TILLMAN. I thank the Senator.

Mr. SPOONER. But I did not—

Mr. TILLMAN. Just one other thought, and then I will get out of the Senator's way, if he objects. There never would have been any Constitution or any Union of States but for the recognition of those very things which the Senator says were put in there for other purposes. The Southern States, after they had gained their independence from Great Britain, never would have consented to ratify the Constitution or to join the Union but for the recognition of that property which had been sent South by the Northern people after it had become of very little use there. We will not go back to those old matters, though.

Mr. SPOONER. I want to have an understanding with the Senator from South Carolina that when I look at him accidentally it does not involve a challenge.

Mr. TILLMAN. Well, if the Senator would not allude to something I have already discussed here somewhat—I would say to the displeasure of the Senator from Wisconsin—I would not have entered into this matter at all. I know that it is useless for us to go over all those old questions. We are face to face with what we are to do in the Philippines and how we are to get rid of this war.

Mr. SPOONER. It is a fact, Mr. President, that by a long and bloody war we forced them to remain under a government against their consent, to which, thank God, now, I believe, they give universal consent, as they give unquestioned loyalty.

These abstract propositions of the Declaration, as I have said on another occasion, were asserted as justification for revolution, and it has often happened, and will often happen, that their wider and juster application in the practical affairs of this world can only be brought about and secured through years of agitation and unrest and sometimes through years of bloodshed and strife. But I can not dwell longer upon this.

Time has shown that the President was right, I think, in not contenting himself in negotiating the treaty, as I thought at one time he should have been, with taking a cession of Manila. It has been abundantly demonstrated that we could not have held Manila without great trouble, it being the capital of the Philippine Archipelago, dependent upon the islands for its domestic supplies and its commerce. Time and events have afforded abundant justification for that. Nor could we have held—I think it has been demonstrated—Luzon alone. In a word, I think the judgment of the President and his commissioners that we should take all or none has been overwhelmingly vindicated for obvious reasons.

But it is stoutly contended that Spain, even if we had the power to acquire the archipelago, had no power to convey it to us, because she did not possess it. It is said that hers was only a naked legal title, so to speak, a paper title, and that the treaty therefore conveyed to us no property and only a right of sovereignty; in other words, that it conveyed to us *only people* and a few public buildings and works, and that while we may acquire territory and exercise sovereignty over it incidental to ownership, we can not acquire mere sovereignty. We did not acquire much but sovereignty when we acquired Porto Rico, which still is without criticism.

I am told, Mr. President—and it comes from Mr. MacArthur, who was secretary of the Philippine Commission—that by the cession of the Philippines we did in fact acquire, as nearly as it can be ascertained now, crown lands covering about one-third of that vast area. Had Spain a title to convey to us? The foundation of the speeches of this day upon the Philippine question is the assertion that she had not. She had when the war broke out, did she not, Mr. President? Will anyone challenge the title and sovereignty of Spain on the 1st day of May, when Dewey destroyed the Spanish fleet?

Spain held Manila. Spain held by her troops all of the seacoast and the seaports. Spain held and carried on the municipal governments. Spain everywhere, Mr. President, was in absolute control throughout the archipelago as fully as she ever had been. It is vain for any man to assert that when the war broke out there was from any standpoint any defect in the title and ownership of Spain to the Philippine Archipelago. She had it by prescription, and she had it by virtue of her possession and her control of it. Even Aguinaldo, in his "True Version," which contains a number of interesting statements (I hope they will not be challenged by my friend from South Dakota [Mr. PETTIGREW] upon the ground that they are not official), says:

Spain maintained control of the Philippine Islands for more than three centuries and a half, during which period the tyranny, misconduct, and abuses of the friars and the civil and military administration exhausted the patience of the natives and caused them to make a desperate effort to shake off the unbearable galling yoke on the 26th and 31st of August, 1896, then commencing the revolution in the provinces of Manila and Cavite.

Spain's title had been recognized by the world, including ourselves, up to that time. Mere dissatisfaction with the government, as suggested by a distinguished Senator here the other day, does not work a change of sovereignty; and although Spain had been tyrannical beyond expression, although there had many times been revolts, although the people had become desperate in their oppression, every revolt had been suppressed, sometimes accompanied by promises of reforms and sometimes accompanied by reforms.

Mr. STEWART. And sometimes by bribery.

Mr. SPOONER. Yes; sometimes, perhaps, by bribery. It has been said that the insurrection of 1896 was in progress when Dewey destroyed the Spanish fleet, and much has been made of a statement contained in a cablegram from Mr. Williams, the consul at Manila, as to battles, organized forces of insurrectionists, one statement, I remember, being that there were 5,000 armed insurrectionists in the vicinity of Manila. It must be remembered that Mr. Williams had been there, I think, only about a month.

He was obliged to rely upon the statements of those with whom he conversed. He was evidently deceived by the characteristic exaggeration of the Spaniard and the Filipino.

Another thing, Mr. President; it is very manifest from a perusal of all the documents that, however much he wished to be accurate, he was credulous and was led sometimes into misinformation. It is not possible upon the facts that there was any organized insurrection in the Philippine Archipelago when the Spanish fleet was destroyed. *Aguinaldo and his associates were in exile.*

When the \$400,000 was paid over to Aguinaldo and his associates in Hongkong, under the agreement of Biak-na-Bato, by a son of Primo de Rivera, that night Rivera gave a banquet, at which Aguinaldo and his associates and others were present, and at the conclusion of it, the host, having made complimentary allusion to Aguinaldo and his associates as Spanish subjects, Aguinaldo, it is stated to me by one who claims to have been present, arose with a wineglass in his hands and proposed a toast to the Queen of Spain as the fairest and noblest monarch that had ever lived, coupling the name of the young king. That might have been insincere.

But they were there, Mr. President. We do not know how much money was paid to Aguinaldo. We know that \$400,000 were paid. We know that the promised payments were part of the consideration for which he surrendered his arms and consented to exile. I am not to call it a bribe, nor do I say how much of it, if any, was appropriated by Aguinaldo for purposes of his own. So far as I know, I feel no warrant for saying that. In answering indictments against the Administration, charging tyranny, with declaring and waging a war of subjugation upon a helpless, civilized people, it becomes necessary to look a little into the evidence upon which these allegations are based. One thing is very clear, that not a dollar of that money had been expended prior to the time Aguinaldo went to Manila in the purchase of arms for the insurrectionists in the archipelago. It rather looks as if the insurrection of 1896 was not very much of an insurrection in some ways. Aguinaldo speaking of it, says:

General Polavieja advanced against the revolutionary forces with 16,000 men armed with Mausers and one field battery. He had scarcely reconquered half of Cavite Province when he resigned, owing to bad health. That was in April, 1897.

Polavieja was succeeded by the veteran Gen. Don Fernando Primo de Rivera, who had seen much active service. As soon as Rivera had taken over command of the forces he personally led his army in the assault upon and pursuit of the revolutionary forces, and so firmly, as well as humanely, was the campaign conducted, that he soon reconquered the whole of Cavite Province and drove the insurgents into the mountains.

Then I established my headquarters in the wild and unexplored mountain fastness of Biak-na-bato, where I formed the republican government—

"Where I formed the republican government"—

of the Philippines at the end of May, 1897.

He formed it, I presume, by a proclamation. Then in December that insurrection came to an end by the agreement at Biak-na-bato. That agreement provided for the payment of certain moneys, for certain reforms, for the exile of Aguinaldo and some of his associates, for the surrender of all the arms of the insurrectionists; and that being done, signing of the Te Deum, and after that, the payment. How many arms were to be surrendered? *One thousand stand of arms.* Aguinaldo says:

We, the revolutionaries, discharged our obligation to surrender our arms, which were over 1,000 stand, as everybody knows, it having been published in the Manila newspapers.

They have more confidence in Manila newspapers, I think, than some people seem to have in newspaper statements in this country once in a while. They had surrendered their arms. Aguinaldo says so, and therefore from December, the end of the making of that treaty and the surrender of the "arms" under it, the Filipinos were practically without arms and without an organized insurrection.

Mr. TILLMAN. I would remind the Senator that some of these communications—

The PRESIDING OFFICER. The Senator from South Carolina will suspend. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Oh, yes.

Mr. TILLMAN. In some of these official communications in Document 63 it is stated that Aguinaldo and those of his lieutenants who made that treaty were suspected of treachery, and that a large number of his followers did not give up their arms.

Mr. SPOONER. It is not a question of suspicion; it is a question of fact. We can not get at it absolutely. All we can do is to approximate it as nearly as we can.

Mr. TILLMAN. I only point—

Mr. SPOONER. There is no reason to suppose and, so far as I can find, there is nothing in all these papers and all the evidence at hand to warrant the assertion that on May 1, when Dewey destroyed the Spanish fleet, there was any organized insurrection of any moment in the Philippines. There may have been parties of

brigands and parties of insurgents, but I mean there was no organized insurrection, and Admiral Dewey says in his report that "there was no insurrection to speak of."

Mr. TILLMAN. The only point, if the Senator will pardon me for a moment, is that although our consul, Mr. Williams, may have just arrived there and may have been misled, at that time we were at peace with Spain and had no reason to suppose we were going to war; and his dispatches repeatedly stated that they were fighting very near Manila; that the wounded were brought in daily and all that sort of thing, tending to show that there was an insurrection going on against the Spanish Government at the time when the battle of Manila was fought and for two or three months previously.

Mr. SPOONER. The commission reports and Admiral Dewey says that at that time there was "no insurrection to speak of."

Mr. TILLMAN. There was not near as much as we have got on our hands now, I acknowledge.

Mr. SPOONER. Now, Mr. President, the only arms purchased by Aguinaldo for use in the Philippines, that I can find any mention of, after the agreement of Biak-na-bat6, were the 1,999 or the 2,000 which he purchased in Hongkong as he was about to leave for Manila; and no one, I think, has ground for asserting at all that when Dewey destroyed the Spanish fleet Spain's power in the Philippines had been in the slightest degree affected or impaired by any body of insurgents. Aguinaldo obtained some arms from Admiral Dewey. He proclaimed quickly, for I can not go into details, a dictatorship. He had some trouble at first, as stated by the Senator from Massachusetts and as shown by the evidence, in gathering people around him.

He succeeded, however, in raising a considerable number of men—some put it at 30,000 and some at 15,000—in the vicinity of Manila, armed with a comparatively small number of rifles and a large number of bolos. It is, of course, impossible to ascertain with certainty.

In "The true version of the Philippine revolution," signed by Aguinaldo, and dated Tarlak, September 23, 1899, he refers to three battles, which he regarded as "glorious triumphs." Two hundred and seventy Spanish naval infantry were his antagonists in the first one. He says:

The battle raged from 10 a. m. to 3 p. m., when the Spaniards ran out of ammunition, and surrendered, with all their arms, to the Filipino revolutionists, who took their prisoners to Cavite. (Page 24.)

In commemoration of that "glorious achievement" he hoisted his national flag. He adds:

The second triumph was effected at Binakayan, at a place known as Polvorin, where the Spanish garrison, consisting of about 250 men, was attacked by our raw levies, and surrendered in a few hours, their stock of ammunition being completely exhausted.

Here he again availed himself "of the opportunity to hoist our national flag." The third and last of the victories which he chronicles in detail occurred at about the same time, at Bakoor. He says, page 26:

The garrison consisted of about 300 men, who surrendered to the revolutionary army when their ammunition was exhausted.

Not only were these troops of Spain dispirited by the destruction of the Spanish fleet, by the war existing between the United States and Spain, which rendered it impossible for Spain to send reinforcements to them, but they were scant of ammunition, and Aguinaldo, moving along through the country, obtaining what arms he could—and he bought more later from Hongkong—armed his men. Some native troops who had enlisted under the Spanish banner deserted. He sent them from place to place in the various provinces, not so much to capture Spaniards as to bring about insurrection and revolt in those communities.

He speaks in general terms of "triumph after triumph" following in quick succession, "evidencing the power, resolution, and ability of the inhabitants of the Philippines to rid themselves of any foreign yoke and exist as an independent state."

May 24 he declared the dictatorial government and that he had assumed the duties and responsibilities of the head of such government.

On the 12th of June, by his statement, he proclaimed the independence of the inhabitants of the Philippine Archipelago. Later he proclaimed a republic. He adopted a constitution. He had, it is said, a congress and an army. It is easy to draft a constitution. It is easy for a dictator to appoint members of congress. But the evidence satisfies one that they were not representative men. He did not hold Manila. He did not hold Iloilo. On the 6th day of August, in a proclamation addressed to foreign governments, he said:

The said revolution now rules in the provinces of Cavite, Batangas, Mindoro, Tayabas, Laguna, Morong, Bulacan, Bataan, Pampanga, Nueva Ecija, Tarlac, Pangasinan, Union, Infanta, Zambales, and it holds besieged the capital of Manila.

Professor Worcester says of this statement:

In other words, he claimed to control the Tagalog provinces, and practically nothing more.

It has been urged that there was a government there which we

in honor ought to have recognized—a Philippine republic. Upon what theory can it be contended, on the strength of this proclamation, in which he certainly did not minimize the extent of his control, that there was a Philippine republic, declared by its constitution to embrace not only the Tagalog provinces, but the Philippine Archipelago. What were its boundaries?

What was its "government" controlling the Philippine Archipelago? Did it afford protection to life, to liberty, to property? Was it able to discharge the primary duties of a government or international obligations—an ability which upon settled principles of international law must precede recognition of independence? Can any Senator give to the country information going into those details which governments must go into upon such a question, of a government existing in the Tagalog provinces or in the Philippines entitled to recognition?

Buenacamino, a former cabinet minister of Aguinaldo, says in a recent interview:

In our independent government the most predominant notes were abuses and immoralities, the offspring of ignorance, and the inherited vices of Spain, by which the Filipino régime was rendered odious to our people.

He ought to know.

The proposition is a fantastic one. It would be a laughable one, Mr. President, if there were not constantly based upon it in the country the charge of dishonor against this Government as now conducted.

On the 12th day of August the protocol was signed. The protocol embodied terms of temporary peace. Up to that day the subjects of Spain in the Philippines were in law the enemies of the United States, except those individuals who were cooperating with us or acting as auxiliaries. There was no Philippine nation. The idea that between the last of May and the 12th of August there could have been organized by Aguinaldo, honest, if you choose to so call him—I will speak of that before I shall have finished—a government capable of discharging the duties of a government, domestic and international, over and of a people who never had known any government but Spain, who never had been permitted to participate in government, is too idle to seriously assert.

By the protocol it was provided that there should be a suspension of hostilities, and in the treaty which was to be negotiated there should be settled "the control, disposition, and government of the Philippine Archipelago." That was a solemn covenant entered into between Spain and the United States.

On the 13th day of August, in violation of the protocol so far as it suspended hostilities, and in ignorance of it, our troops captured Manila, with 13,000 Spanish soldiers and their arms. Strictly we would have been obliged to restore Manila to the Spanish troops, to restore the *status quo*; but as the protocol provided that we should hold Manila pending the negotiation and settlement of the treaty, we remained in the city.

What happened after that? I am not going into the detail of it. Aguinaldo sent troops into different parts of Luzon and into some of the other islands. He starved out here and there a Spanish regiment or garrison, their spirit broken, hostilities suspended, the future control and government of the Philippines left an open question. The Spaniards still held Iloilo. They still held the coast cities. They still were able wherever they were in any force to maintain themselves against the Filipinos; and it is, to my mind, an idle and empty thing to say that during the months which intervened between the signing of the protocol and the execution of the treaty "Aguinaldo conquered the Spaniards." He "conquered" where there was no substantial resistance. He simply took possession of his own people, his own kith and kin, so far as the Tagal provinces were concerned, stirring up insurrection wherever he could in other provinces.

I will not take the time to show the character of his government. It is abundantly established that it was not a government of law. It is abundantly established that it did not, if it could, and doubtless it could not if it would, discharge the primary duties of a government. Property was taken as loot. Liberty was not respected. Contributions were enforced everywhere, which went not into his treasury, if he had a treasury, but very often went to enrich the men who were presiding for him in the communities.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. And, Mr. President, when Iloilo surrendered, Iloilo did not surrender to Aguinaldo. The treaty of peace had been entered into, and Spain had instructed General Rios to abandon Iloilo and withdraw her garrison into another part of the island. Why? Because contingently she had parted with the Philippines, and because it was deemed an useless waste of blood to longer contend there, if contention might arise.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. And before they could evacuate that city and one or two other places the insurrectionists attacked them and were badly defeated.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. What is it the Senator wants to ask?

Mr. TILLMAN. The Senator from Wisconsin is a fair man, and I would ask him whether there was any greater disorder in the Philippines, as shown by the report of the naval officers traveling through the island of Luzon, than might have been supposed inevitable in a transition from tyranny in the case of a people just released? Necessarily there were some abuses, but not more than we have witnessed in all the South American republics.

Mr. SPOONER. Oh, yes; "just released" from the tyranny of Spain, by whom?

Mr. TILLMAN. Aguinaldo and those who were like him—the other Filipinos, of course.

Mr. SPOONER. Released from the tyranny of Spain by Aguinaldo! But for the advent of Dewey's fleet—

Mr. TILLMAN. Oh, we will not dispute about that.

Mr. SPOONER. Aguinaldo would still have been in Hongkong in all human probability.

Mr. TILLMAN. And the Spaniards in Habana.

Mr. SPOONER. And very likely the Spaniards in Habana.

Mr. TILLMAN. If we had to run them out.

Mr. SPOONER. If the Spanish fleet had not happened to be in Manila Harbor, but had been found by Dewey on the open sea, the Spaniards might not have been in Habana, and yet the Spaniards would have remained in the Philippines. That the Spanish fleet was destroyed in Manila Harbor, that it happened to be there, was one of the fortunes or accidents of war.

The suggestion that the liberation of the Philippine Archipelago from Spain was wrought by Aguinaldo is stated in this book by him, but it ought not to be stated here. In the Philippines, as in Cuba, the lion in the pathway of Spain was not the insurrectionists. It was the United States; but when the Spaniards evacuated Iloilo they did it because we, having conquered Spain, having destroyed the power of Spain practically in the Philippines, she surrendered them to us. It was because of our power, not Aguinaldo's, and after the Spaniards had marched out Aguinaldo marched in. That is all there was of it. There was no conquest about it.

Men talk about our waging a war of conquest against the Philippine republic or people. We have done no such thing. We did not obtain the Philippines, to which I think we have a perfect title, by any conquest of the so-called Philippine republic, by any conquest of the Philippine people; but by conquest of Spain.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. And, Mr. President, I appeal to the American people if it be not true that the inspiration and thought which led the President and the Senate to take that cession, and the country to approve it, was that thereby we could more effectually liberate the Philippine people from Spain and more easily lift them up from the blighting and paralyzing effect of long-continued Spanish tyranny.

What does the Senator from South Carolina want?

Mr. TILLMAN. If the Philippine people are not subjugated, and are not being subjugated, why have we to keep 65,000 men there, and why have they been fifteen months passing from point to point in the islands, shooting down and killing wherever they were opposed, and yet to-day, in this morning's dispatches, we are told that our Army is withdrawing from the interior to the coast towns during the rainy season, of course simply because the opposition and hatred of the people is such that it can not be said that they are anything else but rebels, fighting for their liberty, whatever that may mean?

Mr. SPOONER. Mr. President, "Rebels fighting for their liberty!" We acquired title to the Philippine Archipelago from Spain.

Mr. TILLMAN. That is a legal question.

Mr. SPOONER. The resolution of the Senator from Georgia [Mr. BACON] recognizes that, and is based upon that. That treaty has been said to have been a declaration of war. Was it? If so, the men who are making that charge and imputing to the ratification of that treaty the ensuing hostilities ought not to do so. That treaty—

Mr. TILLMAN. The declaration of war was the proclamation of the President issued in December, in which he declared the purpose of this Government was to benevolently assimilate the Philippine Islands.

Mr. SPOONER. The President did not issue any proclamation in December.

Mr. TILLMAN. The Senator has studied the question very thoroughly, but he is mistaken there.

Mr. SPOONER. I think not.

Mr. TILLMAN. General Otis said he took the liberty of censoring or leaving out some things in the President's proclamation which he thought might precipitate a conflict.

Mr. SPOONER. General Otis never took anything out of the "proclamation" of the President.

Mr. TILLMAN. General Otis says so himself.

Mr. SPOONER. He does not say so himself, as I remember. The Senator is mistaken.

Mr. TILLMAN. I can prove that he did.

Mr. SPOONER. Mr. President, why is it that we have 65,000 troops in the Philippines, if that is the number? Why is it that we have been pressing forward and forward? What is it for? To subjugate an independent people? No. It is to enforce the authority of the United States over territory which we acquired.

Mr. BACON rose.

Mr. SPOONER. Does the Senator wish to interrupt me?

Mr. BACON. Not until the Senator finishes his sentence.

Mr. SPOONER. I have done.

Mr. BACON. I dislike to interrupt the Senator and would not do so except that his allusion to me has been direct, and my silence might be misconstrued.

Mr. SPOONER. I would not misconstrue my friend's silence.

Mr. BACON. But others might. I do not think the Senator from Wisconsin would.

The Senator argued as to the title of the United States and disputed the fact that it is in any manner based upon conquest. While he does not say so directly, his remark would evidently leave the impression, in referring to the resolution offered by myself, that a similar basis of title was recognized by me. I desire to say to the Senator—and I beg his pardon for the interruption, for I purposed not to interrupt him—that my position with regard to that matter is this: I do think that the Government of the United States now has a good title. I think that title was based also upon a purchase of a very imperfect title, which has since been made good by the United States Army by conquest.

Mr. SPOONER. I asserted that it was a conquest from Spain.

Mr. BACON. The Senator—

Mr. SPOONER. I am not controverting anything the Senator has said.

Mr. BACON. I do not understand that reply as being intended for me.

Mr. SPOONER. No.

Mr. BACON. I could not interrupt the Senator at the time he made the statement, because he passed so suddenly to another point. I will not, however, interrupt the Senator further.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I hope the Senator will not interrupt me at this moment.

Mr. TILLMAN. If the Senator had not called in question my statement I would not do so.

Mr. SPOONER. What is it the Senator desires?

Mr. TILLMAN. I have here the report of Maj. Gen. E. S. Otis on the military operations and civil affairs in the Philippine Islands, and on page 66 he makes this statement:

After fully considering the President's proclamation and the temper of the Tagalos, with whom I was daily discussing political problems and the friendly intentions of the United States Government toward them, I concluded that there were certain words and expressions therein, such as "sovereignty," "right of cession," and those which directed immediate occupation, etc., though most admirably employed and tersely expressive of actual conditions, might be advantageously used by the Tagalo war party to incite widespread hostilities among the natives.

The ignorant classes had been taught to believe that certain words, a "sovereignty," "protection," etc., had peculiar meaning disastrous to their welfare and significant of future political domination, like that from which they had recently been freed. It was my opinion, therefore, that I would be justified in so amending the paper that the beneficent object of the United States Government would be brought clearly within the comprehension of the people, and this conclusion was the more readily reached because of the radical change of the past few days in the constitution of Aguinaldo's government, which could not have been understood at Washington at the time the proclamation was prepared.

The amended proclamation was thereupon prepared, and fearing that General Miller would give publicity to the former, copies of which, if issued, would be circulated soon in Luzon, I again dispatched Lieutenant-Colonel Potter to Iloilo, both to ascertain the course of events there and to advise the commanding general of the dangers threatening in Luzon, and which might be augmented if any action was taken which the insurgents could make use of in furtherance of their unfriendly designs. General Miller thought his action in making publication of the proclamation on January 3 correct, as he had not been instructed to the contrary, and his opinion, he contended, was confirmed by a War Department dispatch which I had directed Colonel Potter to deliver to him, and which he had received on January 6. He was satisfied that the use he had made of the proclamation was that contemplated by the War Department authorities, but it was not long before it was delivered at Malolos and was the object of venomous attack.

Mr. SPOONER. Does the Senator intend to read that whole book?

Mr. TILLMAN. Oh, no. I simply wish to prove what I stated, that General Otis amended President McKinley's proclamation; that he took out certain words and substituted others, and sent that amended proclamation to General Miller at Iloilo. He had previously sent the original document to Miller, and Miller had printed the document as the President had sent it to

the Filipinos; and that is the way it got out. These are the facts. The Senator disputed them a moment ago.

Mr. SPOONER. Yes; and I dispute them now.

Mr. TILLMAN. Then the lie, if there be one, rests on General Otis, and not on me.

Mr. SPOONER. Oh, there is no lie about it.

Mr. TILLMAN. There are the facts, taken from the official report; and if you dispute that, I will not state anything more about the reports of anybody.

Mr. SPOONER. What I mean to say was this: That what is called a proclamation there—and the records at the War Department show it—was not a proclamation by the President at all, but was a letter of instructions issued by the President to the Secretary of War, which was to be sent to General Otis to govern him in the discharge of his duties in the Philippines.

Mr. TILLMAN. And as outlining the policy of this Government toward the Filipinos.

Mr. SPOONER. General Otis carried out the President's instructions as General Otis thought best, not using in the proclamation which General Otis did issue the language of the President. That is all there is of that.

Mr. TILLMAN. General Otis himself says that he amended the proclamation.

The PRESIDING OFFICER. The Senator from South Carolina will please address the Chair. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Mr. President, the paper speaks for itself; I have seen it at the War Office; and when the Senator examines it, he will see that it was not a proclamation; that it was not intended to be a proclamation. It was nothing the President sent for publication to the Philippine people, but it was a letter of instructions from the President to the Secretary of War, to be by him forwarded to General Otis for his government, upon which General Otis issued a proclamation to the people, explaining his failure to obey in some respects the instructions of the President.

Mr. TILLMAN. Will the Senator be kind enough to incorporate the letter or proclamation or whatever it was in his speech.

Mr. SPOONER. What proclamation?

Mr. TILLMAN. The proclamation that General Otis issued after he received it from President McKinley, only taking out of it three or four words.

Mr. SPOONER. The Senator will be incorporated in my speech pretty soon. [Laughter.]

Mr. TILLMAN. If the Senator dislikes my interrupting, I will promise not to trespass any more, no matter how much he treads on my toes; but I simply could not sit silent here.

Mr. SPOONER. I do not ask that.

Mr. President, we accepted the cession; we ratified the treaty; we acquired, so far as the treaty could give it to us, the Philippine Archipelago; Congress appropriated \$20,000,000; there was fighting and has continued to be fighting in the Philippines; our troops were involved in contest with the Filipinos, and Congress knowing that fact passed a military bill providing for a vast increase in the Army.

It was perfectly understood that a large part of that force, so much as the President might deem necessary, was to be sent to the Philippines. That very law mentions the Philippines as a place in which troops were to serve. What was the President to do but to send troops to the Philippines, Mr. President, and to enforce there the authority of the United States? Could he hesitate, under his oath, upon the assumption that there was any doubt as to our title?

One of the strange phases of this matter now is that men who voted to furnish troops for the President to send to the Philippines criticize him for sending them and criticize him for using them. He was obliged to take it as settled that we had acquired the Philippine Archipelago; that it was his duty to extend the authority of the United States over that archipelago; and he has done so. He notified Congress by his annual message that until Congress indicated a purpose otherwise he should continue to use the troops of the United States in enforcing the authority of this Government in the Philippines. Had he not done so, Mr. President, all things considered, criticism could have been made of him which would have been unanswerable.

Some one asked the other day why the President did not bring about a cessation of hostilities. Upon what basis could he have brought about a cessation of hostilities? Should he have asked Aguinaldo for an armistice? If so, upon what basis should he have requested it? What should he say to him? "Please stop this fighting?" "What for," Aguinaldo would say, "do you propose to retire?" "No." "Do you propose to grant us independence?" "No, not now." "Well, why, then, an armistice?" The President would doubtless be expected to reply: "Some distinguished gentlemen in the United States, members of the United States Senate, and others, have discovered a doubt about our right to be here at all, some doubt whether we have acquired the

Philippines, some question as to whether we have correctly read the Declaration of Independence; and I want an armistice until we can consult and determine finally whether we have acquired the Philippines or not, whether we are violating the Declaration of Independence or not, whether we are trampling upon the Constitution or not." That is practically the proposition.

No, Mr. President, men may say in criticism of the President what they choose. He has been grossly insulted in this Chamber, and it appears upon the record. He has gone his way patiently, exercising the utmost forbearance, all his acts characterized by a desire to do precisely what the Congress had placed upon him by its ratification of the treaty and its increase of the Army. He has done it in a way to impress upon the Filipinos, so far as language and action could do it, his desire and the desire of our people to do them good, to give them the largest possible measure of liberty, civil, religious, and individual, and to give them, as rapidly as may be, participation in the government out there.

He has done it all in disregard of hostile criticism, embarrassment, and complication of the situation vastly intensified and enhanced here at home; but he has done what under his oath he was obliged to do. He has gone forward with the Army of the United States and the flag of the United States to enforce the authority of the United States and obedience to it over territory of the United States. Any President of any party, if faithful to his high trust, could not have done otherwise.

Mr. President, I will be greatly obliged to the Senate—I think all of my colleagues here have not failed to observe that I have spoken under great difficulty—if I may be permitted some time to-morrow to conclude my remarks.

Mr. BACON. Mr. President, I hope that courtesy will be extended to the Senator from Wisconsin.

Mr. ALLISON. Mr. President, I hope this matter will be laid aside temporarily to give the Senator from Wisconsin an opportunity to proceed to-morrow.

The PRESIDING OFFICER. Without objection, the bill will be laid aside temporarily.

Mr. SPOONER. I thank the Senate for its courtesy.

SENATOR FROM MONTANA.

Mr. CARTER. Mr. President, I present to the Senate a certificate from the acting governor of Montana, appointing William Andrews Clark a Senator from that State to fill a vacancy existing; and request that the credentials be read and laid upon the table.

The PRESIDING OFFICER. The credentials will be read.

The Secretary read the credentials, as follows:

STATE OF MONTANA, EXECUTIVE CHAMBER, Helena, Mont., May 15, 1900.

Whereas a vacancy has occurred in the representation of the State of Montana in the Senate of the United States, caused by the resignation of Senator William Andrews Clark; and

Whereas the legislature of said State is not in session, but in recess: Therefore be it known that, pursuant to the power vested in me by the Constitution of the United States, I, A. E. Spriggs, the lieutenant-governor and acting governor of the said State, do hereby appoint William Andrews Clark, a citizen and inhabitant of said State, to be a member of the Senate of the United States, to fill the vacancy so caused and existing as aforesaid, to have and to hold the said office and membership until the next meeting of the legislature of this State.

In witness whereof I have hereunto set my hand and affixed the great seal of said State, at the city of Helena, in said State, this 15th day of May, A. D. 1900.

[SEAL.]

A. E. SPRIGGS, Acting Governor.

By his excellency the acting governor:

T. S. HOGAN, Secretary of State.

Mr. CARTER. I request that the credentials lie upon the table.

The PRESIDING OFFICER. The credentials will, without objection, lie upon the table.

SOLDIERS' HOMESTEAD ENTRIES.

Mr. CARTER. Mr. President, on yesterday evening I requested that a bill which had been read and was about to be put upon its final passage, House bill 9140, be for the time being laid over. I desire to present an amendment now and ask unanimous consent that the bill may be considered.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9140) providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana proposes an amendment to the bill, which will be stated.

Mr. CARTER. It is an amendment to section 2.

The SECRETARY. It is proposed to add to section 2 the following:

Provided, That in all cases where a soldier or sailor or his widow or minor children is entitled (under the practice, rulings, and decisions of the Land

Department) to make an additional homestead entry under the provisions of sections 2303 and 2307 of the Revised Statutes of the United States, and the right to make such additional entry has not been satisfied by actual location, it shall be the duty of the Commissioner of the General Land Office, upon the filing of proof of the right to make such an additional entry, to examine the same, and, if satisfactory, to thereupon issue a certificate of such right in favor of the lawful holder thereof, and, on the location of such certified claim, to have patent issued to him or his assigns for the land located therewith: *Provided further*, That such holder shall present his application for such certificate on or prior to January 1, 1901, or be thereafter forever barred.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. PETTIGREW. Mr. President, does this amendment come from any committee of the Senate?

The PRESIDING OFFICER. It is proposed by the Senator from Montana.

Mr. CARTER. The amendment is from the Committee on Public Lands.

Mr. PETTIGREW. As I understand this amendment, it permits all scrip of this character to be located anywhere—

Mr. CARTER. That is so now.

Mr. PETTIGREW. And to be transferred from hand to hand. Under the present rulings of the Department this is not allowed. I was not aware that this amendment had been discussed in the Committee on Public Lands. It is the first I have heard of it.

Mr. CARTER. Mr. President, the fact of it is that the Supreme Court of the United States has held, and the Department under that decision has held for many years, that these rights are transferable from hand to hand. The purpose of this amendment is to ascertain at some reasonable date in the future how much of this class of claims are outstanding and to put some period to the time when they can be allowed to remain an indefinite charge against the public domain. I think it is wholesome legislation, and the committee without a dissenting voice directed its adoption.

Mr. PETTIGREW. As I said before, I was not aware that the Committee on Public Lands had discussed this amendment. It seems to me it is exceedingly broad in its scope and that it lets in all of these additional entries. I do not know whether it lets in those that are not genuine, but the Department has been very careful of late and has refused to allow any of these entries until they were filed by the persons entitled to them or forwarded to the Department and proved here; in other words, the entry is not complete under the present rules of the Department until filed in the local office, sent here, and proved here. Ordinarily where a homestead entry is made it takes effect when the person appears at the land office and offers his filing and his money. But because of the great number of frauds that have crept in in the handling of the soldiers' additional entries, and because of the fact that vast numbers of them were located at local land offices that were forgeries, based upon proof that was manufactured, the Department was obliged to make these exceedingly stringent rules.

As I understand this amendment, it obviates the necessity of these rules; in fact, does away with the rules—leaves the old practice in force—and allows these entries without those safeguards.

Mr. CARTER. Mr. President, if the Senator will permit me there, the process to which he refers is the basis of the abuse. My attention was drawn to this abuse through the withdrawal of large areas of the public land in Montana by fraudulent, as alleged, homestead or additional homestead soldiers' rights. It requires from one year to eighteen months to ascertain under existing conditions whether a claim is valid or fraudulent, and in the interim the land upon which it is filed in the local land office is withdrawn from settlement. The purpose here is to prevent the withdrawal of land on the basis of these additional entries unless the office shall have previously ascertained that the papers are valid and the right exists—

Mr. STEWART. I should like to inquire, Does this admit scrip in any case?

Mr. CARTER. It does not admit scrip in any case.

Mr. STEWART. I have never known any scrip issued that did not work fraud.

Mr. PETTIGREW. I wish the Senator would listen to the amendment, and base his judgment upon that.

Mr. STEWART. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary again read the amendment submitted by Mr. CARTER.

Mr. CARTER. It is obvious from the reading of the amendment that it is meant to cure the defect whereby public lands are withdrawn for the time being from a year to eighteen months, as the case may be, on fraudulent soldiers' claims. There are many of them being passed from hand to hand, and in one county, in the State I have the honor to represent, I know of a stream 23 miles in length covered by these claims, mostly found subsequently to be fraudulent. The purpose of the amendment is to prevent the segregation of any public land by any such papers until the Department shall first ascertain and determine that the papers are

valid. Second, no one can now tell nor is there any means of ascertaining what amount or extent of this class of claims are outstanding against the public domain as a charge. The Supreme Court of the United States has held that they are transferable from hand to hand, subject to sale and assignment. So no additional right is given by the amendment, but I do think it is the right and the duty of Congress to fix a period within which the parties claiming under that additional homestead section shall come forward and make known their claims and have them examined and determined, and that the determination shall precede the withdrawal of the public land under it.

Mr. STEWART. I will state that I have had a great deal of experience in witnessing the evil effects of all kinds of scrip. It always falls into the hands of speculators who rob the settlers. I had an investigation made about thirty years ago, and of the vast amount of territory that had been opened to settlement in the Mississippi Valley my recollection is that less than one-third, only about 25 per cent of it, had really been obtained at first hand by settlers. It was all by means of scrip. It was surveyed in advance of settlement, it was advertised, nobody wanted it, and then it became salable at a dollar an acre. Any kind of scrip is objectionable. I have not examined the language in connection with the Revised Statutes, but if this allows the issuance of scrip or gives any additional validity to scrip it is vicious, because all scrip is vicious.

Mr. CARTER. It will be observed that the Public Lands Committee very carefully considered the matter—

Mr. STEWART. If it has been very carefully considered and does not enlarge the rights of the scrip owner in any way—

Mr. CARTER. It does not increase the acreage of land that may be taken up under the soldiers' additional homestead rights one acre. It provides that before this right or alleged right can be utilized to segregate a part of the public domain the person shall submit the scrip to the General Land Office, where from the records it can be ascertained whether lands should be withdrawn under this scrip or not. It does not increase the rights. The rights exist, and they are confirmed by the Supreme Court of the United States, made transferable and so recognized by the General Government now and for years.

Mr. STEWART. As to a piece of land, as I understand it, under the arrangement they present the scrip applicable to a piece of land they have selected, and then the Department will ascertain whether the scrip is valid; whether they have a right to take this particular piece of land.

Mr. CARTER. That is the present proceeding. The difficulty with that proceeding is that a year to a year and a half elapses before the Land Department determines whether the scrip which is applied to such land is valid or not. If after eighteen months it is found it was a fraudulent soldier's right or that the right of the soldier to additional scrip had been previously exhausted, as occurs in many places, the same soldier selling over and over again to many persons, thus creating a lot of this scrip, soldiers' rights, which segregated the public domain, held it up from settlement—

Mr. STEWART. I have no apprehension that he will swindle those persons. I do not care if he sells it forty times. They are all sharps and can take care of themselves. We need not bother about taking care of them. I do not want to give them any more advantages than they have.

Mr. TELLER. I ask that the amendment may be again stated. The Secretary again read the amendment.

Mr. NELSON. Mr. President, the more I have heard that amendment read and the more I consider it, the more I come to the conclusion that it is a dangerous amendment; that the effect of it will be to validate and to give life to a lot of outstanding scrip. The law, if I remember aright, granted to soldiers who had been in the war and had located homesteads for less than 160 acres the right to locate an additional quantity, not exceeding 160 acres in all.

Reading the law in the first instance, the original law, allowing additional homestead entries, one would naturally have supposed that it was a right personal to the soldier; that whatever deficiency of land he was entitled to he would have to locate and acquire himself. Unfortunately, under that law a practice grew up by which they created a species of scrip. The soldier who was entitled to locate an additional homestead would sell his right. The way he would do it and get around the law was to execute to the purchaser a power of attorney to go and locate that additional homestead in the name of the soldier. Then he would execute another power of attorney—and these powers were given in blank as to the grantee in the power—authorizing the conveyance of the land after it was located. That came to be known as soldiers' additional scrip. It consisted of two powers of attorney, one power authorizing the grantee in the power to locate in the land office the additional quantity of land, and another power to sell and convey that after it was located.

Now, under that any amount of that kind of scrip was purchased. People from the Northern States went over into the Middle Northern and Southern States and secured any amount of that scrip. For a while, as I understand it, that mode of procedure was recognized and held valid.

They recognized locations by powers of attorney, and subsequently the locations were transferred. Afterwards the Land Department changed its rulings, if I remember correctly, or the Interior Department changed its rulings, and held that such locations through power of attorney could not be made, that they would have to be made by the soldier himself.

Under those conditions soldiers' additional scrip was at a discount for a while; but finally, in the bill relating to public lands in Alaska, a clause was inserted two years ago which breathed new life into soldiers' additional scrip, gave it a market price, a quotation, and a boom that it had not had for years. I do not think this is the intention—

Mr. CARTER. I am sure the Senator will be glad to get the matter exactly as it is. It is true that the Department concluded that powers of attorney were not valid and refused to recognize them. Thereupon a case was brought to the Supreme Court of the United States, and that court, in a very emphatic and unequivocal opinion, held that it was an assignable right; that it was manifestly the intention of Congress to give to the soldiers something of value, and the fact of its assignability gave additional value to it, and that under the old law, without any change of law whatever, a soldier had the right to transfer and sell as best he might in the open market the right given to him by Congress.

Since that decision of the Supreme Court of the United States, which was rendered some years ago, there has been no question whatever as to the validity of a soldier's additional right. The abuse connected with it is twofold. First, we ought to keep some kind of a system of bookkeeping of our public domain. There is no means now of ascertaining how much of the public land will be required to satisfy these outstanding unknown additional rights. That is an unfortunate state of affairs, because we ought to know how much land we are obligated to give under existing law. Second, it seems that the habit has grown up in certain quarters of manufacturing these papers, and numerous fraudulent papers have gone forth throughout the country, which are utilized for filing upon public land by the assignee, usually a rancher or farmer wanting a piece of grazing land on the hills.

He will buy one of the soldier's additional rights. Under existing conditions—in my own State, for example, for that is under my observation and I know it to be true—the countryman purchasing these rights, believing them valid, in many instances found, after having paid the money for the scrip and filed it in the Land Office and waited for eighteen months or longer, perhaps, that the Land Office held that particular piece of paper utterly invalid. First, the man may not have been a soldier at all. Second, he may have been a soldier, but his right may have been previously sold to some one else and filed upon land, thereby becoming exhausted, which fact can only be ascertained in the Land Office.

Mr. NELSON. Will the Senator from Montana allow me?

The PRESIDING OFFICER. The Senator from Minnesota is entitled to the floor.

Mr. NELSON. I wish to say that now for the first time, with due respect to the Senator, he gives the real purpose of the bill. There is no doubt that a great quantity of this fraudulent scrip is afloat, but it has been the practice of the Land Department in recent years not to pass upon the scrip until it is attempted to locate. Whenever a man applies to locate it on a given piece of land, the Government will pass upon it; but there is no law now under which they will pass upon the validity of this kind of scrip before it is attempted to locate.

The effect of this proposed law will be to compel the Government to consider and take up all this floating scrip that is out and pass upon it in advance, before it is located, so that the holders of this scrip, these scrip speculators, may know what the scrip is. Of course this mode of procedure will entail a great amount of work upon the Government. It will give double value to this scrip over what it has now.

Mr. CARTER. The Senator will perceive that it will remove from the line of possibility a deception by these alleged speculators, if you please, through the sale of spurious papers throughout the country to the unwary and thoughtless. I do not think the Government ought to leave it in the power of anyone under color of law to perpetrate fraud upon the citizens of the country.

Mr. NELSON. Mr. President—

Mr. TELLER. Mr. President—

Mr. NELSON. I will yield the floor.

Mr. TELLER. I should like to ask the Senator from Minnesota or the Senator from Montana, one or the other, whichever may have the floor, what they mean by saying there is a great quantity of fraudulent scrip out. Do they mean it has been fraudulently issued by the Department or that it is a forgery?

Mr. NELSON. I will explain what I mean by it.

Mr. TELLER. Then I will hear the Senator from Montana later.

Mr. NELSON. A soldier, A, living in the State of Missouri, had the right to locate a full homestead of 160 acres. He has gone on and located only 80 acres, because that was all he could get. I go to that soldier and say, "Here, you have the right to locate 80 acres more of the public land. I want to buy that right of you." To transfer from him to me he executes a power from himself to me, authorizing me to go to some land office and locate 80 acres of public lands in his name. That location, the Senator from Colorado will observe, is in the name of the soldier. I have the power to locate it in his name. Now, to complete the scrip and make it of any value there is another power of attorney given to me at the same time, authorizing me to convey his title after I have located it. Those two powers of attorney are what constitute the scrip.

Now, there is no doubt that various parties in the North secured all over that country and got many of these powers of attorney. They did not get them directly from the soldiers, but they got them through agents, who got the powers of attorney from A, B, C, and all over, and then sold them to their principals up North. There is no doubt a good deal of that fraudulent scrip is outstanding; that is, it is fraudulent because it either does not represent any real soldier or does not represent any real interest in the land; that is, a soldier may have exhausted his land, or he may not have been in fact a soldier.

Mr. CARTER. The Senator from Minnesota has stated the case very clearly, I will say to the Senator from Colorado. Where the soldier has exhausted his right and sells again, of course the Land Office ascertains when some citizen has been cheated that the second scrip or these two powers of attorney were invalid. The purpose of this amendment is to compel the people who claim any right under that sort of floating and fraudulent scrip to subject the same to the scrutiny of the Department within a limited time, the Department being the only power which is able to detect the fraud. It is better, it seems to me, to detect the fraud at once and cancel these fraudulent outstanding papers, which probably will not be presented at all. No scrip will be passed under this amendment on any basis that would not obtain if the location had been previously made; but a great deal of this scrip will be cut out by the amendment and absolutely canceled.

Mr. TELLER. The Senator from Montana will know whether I am correct or not. My impression is that originally the Department did pass on this question.

Mr. CARTER. It did for many years pass on it.

Mr. TELLER. It was found that the soldier was getting no particular benefit from it. There were a lot of speculators, and this scrip went way up to \$20 an acre. The Department shut that off, believing that if they did not issue the scrip they would discourage the speculators in securing it. It seems to me this is to return to exactly the same condition that the Department declared some fifteen years ago ought not to exist. It seems so to me, and it seems to me it will revive all the defunct and dormant claims, and we shall have a great lot of claims that otherwise would never come. The intention of the act originally passed was simply to let the homesteader get a full quarter section. It was intended that he should have the benefit of it, and nobody else. The whole scheme was used to appropriate the lands for cattlemen, nonsettlers, and it was very pernicious and unwise legislation. Like a good deal of other legislation we have attempted in this country to benefit the real settler, it has been taken advantage of by the speculator.

Mr. PETTIGREW. Mr. President, previous to 1872 any settler could go upon the public domain and secure a homestead of 160 acres, unless the land which he wished to take was within the boundaries of a railroad land grant. If within the limits of a land grant, he could take the even-numbered section and could take only 80 acres as a homestead, on the theory that half the land having been given to the railroad, its value was doubled by the construction of the road, that it was no longer wild lands, that it was no longer distant from civilization, and therefore the homesteader could take only 80 acres.

In 1872 we passed a law which provided that as to soldiers who served in the civil war they could go within the boundary of a land grant and take a hundred and sixty acres, and if they had already taken 80 acres they could take another 80 acres, and if they had lived the five years upon the 80 acres they had already taken they could secure title to the other 80 acres without residence and cultivation.

The rulings of the Department—for the law authorized the Department to make rules and regulations to carry the law into effect—provided that the soldier must go in person. If a soldier who had taken 80 acres along the line of a railroad wanted another 80 acres in a distant place, he must go to the land office and make the entry. I remember very well in 1873 many of the settlers who had located along the St. Paul and Sioux City Railroad in Iowa

and Minnesota came over to Dakota and secured their other 80 acres.

Some speculators conceived the idea that the Department could rule that those people could transfer their right, giving a power of attorney and having a certified copy of the final receipt for their first 80 acres. So they went to work and bought up the rights of these soldiers all along these land grants. They bought up thousands of these claims. There was no ruling allowing it to be located by power of attorney. Yet the agent of these people, T. B. Walker and others, of Minneapolis, who wanted to enter pine lands, went down along the line of the railroad and bought the rights of these soldiers, taking powers of attorney from soldiers to locate the other 80 acres, and also a power of attorney to sell the other 80 acres when located.

When they had gathered together thousands of these rights and got them in their safe in Minneapolis, they came down here—and in my opinion they came before—and got the Land Department to issue an order allowing them to locate by power of attorney, allowing them to be certified to and transferred from hand to hand; for the powers of attorney were in blank. Then Mr. Walker took these additional rights and went into the pine woods of Minnesota and located thousands and thousands of acres of the best land in that State, which he had previously selected, and thus laid the foundation for his large fortune. The ruling of the Department, in my opinion, was not authorized by law. It was issued for the purpose of accommodating Mr. Walker and these speculators.

Mr. CARTER. I will call the attention of the Senator to the fact that the matter was brought before the Supreme Court of the United States, and the Supreme Court in the most emphatic manner held that the right was assignable, could be passed from hand to hand, and that it was manifestly the intention of Congress that it should be assigned. I shall be glad to show the Senator the decision, although I have it not here.

Mr. PETTIGREW. The Department, under this ruling, which stood for several years, finally found that fraudulent papers came into existence. There were presented to them innumerable claims on made-up paper. No doubt many of these spurious claims were patented. The country was filled with these floats or scrip, as it was called. Men who had been in the Army, but had never taken any land, made up sets of papers and put them upon the market. Men who had been in the Confederate service, and who had taken 80 acres of land, made up spurious papers and sent them in here for certification, and they floated and were in the market everywhere. The Department found it impossible to prevent fraud under that ruling, and therefore they revoked it. They repealed the ruling and stated that thereafter the soldier must go in person, or, if he does not go in person, his papers must be sent in through the local land office, and must come here and be approved before any entry can be made. They found that absolutely necessary to prevent fraud.

After the Department had changed its ruling an application came to the Senate and came to the Committee on Public Lands, asking us to allow these fraudulent entries to be laid upon land, and what was the argument? Why, that the Department had allowed these floats to exist, that a lot of these fraudulent certificates had been approved by the Department as genuine, and that innocent parties had purchased them and put their money in them, and therefore we ought to allow the entry of lands with that sort of scrip, although they were absolute forgeries. I do not know but that we passed some such law.

Mr. CARTER. I guess not.

Mr. PETTIGREW. I know it was discussed and urged vigorously in the Committee on Public Lands that we should pass such a law. Now, this amendment proposes to revive that old system, and that is all there is to it; and if you pass it—

Mr. CARTER. I would be glad to have the Senator point out how that can occur. The purpose of this amendment is, as I understand it—

Mr. PETTIGREW. I would much rather the Senator would allow me to finish my argument, and then he can reply to me.

Mr. CARTER. Very well.

Mr. PETTIGREW. If we pass this amendment, and then these fraudulent papers are presented to the Department, and they for any reason certify that they are accurate, and then they pass into the hands of an innocent purchaser, it seems to me that in good faith we will be bound to admit the genuineness of the scrip and allow them to enter land with it. At least, that argument will be made.

A vast accumulation of these fraudulent entries might be secured, and after they had been secured the Land Office would certify to them in a bunch, just as Walker got them to certify to his vast quantities of scrip. It is not always that the subordinate officers or even the superior officers of our Land Department are above reproach, and we put in their way a chance to perpetrate a fraud that would be of vast profit and benefit to the people who secured the scrip. It seems to me it is absolutely unnecessary

and that there is no argument which can be made that will justify our putting this temptation in their path. I can see no reason in the world why this should be done.

It seems to me that the present practice of the Department is far better than to go back to the old rule which, having been tried, became so intolerable that they were forced to repeal it. Why should Congress now, I say, step in and say to the Department, "In overturning your rule, which proved so full of fraud, you did wrong; we will tear down the safeguards which you have built up and we will compel you to go on with the old practice?"

For my part, I have heard no argument which can justify us in passing this amendment. I understand it is offered to the bill to give to the soldiers who served in the Spanish war the additional or the homestead right, and the time which they served in the Army is to be deducted from the time they are required to live upon the homestead before they secure their patent. Therefore I presume it is germane to the bill, but I do dislike very much to see a bill of a purpose so excellent loaded down by a provision so bad.

Mr. CARTER. Mr. President, the amendment is intended to accomplish the things that the Senator thinks it is not intended to accomplish. First, the Government has at present no knowledge of the extent of the obligations of this sort outstanding. This important information can only be acquired by putting a limitation upon the time within which parties claiming land under this law may come forward and assert their right. I do think that with reference to the swamp-land grant a similar limitation should have been provided twenty years ago. The part of the amendment which fixes a limitation is certainly wholesome and desirable. On the 1st day of next January, under the amendment, we would be able to determine down to a single acre of land the extent to which the public domain would be called upon to respond to the satisfaction of these additional claims.

Now, second, it is admitted that these claims have been duplicated, the same soldier in certain instances issuing powers of attorney to three, four, five, six, a dozen, possibly a hundred different people. All of these claims issued by him are fraudulent save and except one. The proceeding in the Land Office, where the investigation is finally made after the location of the land, prevents all possibility of any fraud on the soldier. They write to the soldier who is alleged to have made the assignment for the purpose of ascertaining from him that the assignment was properly obtained and is valid in fact. The result of the inquiry made, as required by the amendment, would be to absolutely destroy all the outstanding fraudulent claims, and that, too, before the 1st of next January. It does seem to me that it is a desirable thing to do.

With reference to the proceedings in the Department, years ago there was a time when these claims were certified on presentation. There ought to have been a limitation fixed then within which all the parties claiming should come forward and make known the basis of their claims. The frauds will be culled out. The valid entries or claims will be made known. The public domain will have a fixed instead of a floating charge against it. The amendment will lead to the same scrutiny. The same line of investigation will be made in the Department under this amendment that is made after the fraud has been perpetrated upon some innocent countryman. It does appear to me that it is not sufficient to say that possibly in determining that certain claims are valid, thereby they will gain some value. The immense advantage will be in branding the fraudulent claims and getting them out of existence. All these claims that are presented between now and the 1st day of January will be forever taken out of harm's way, filed in the Department, marked "fraudulent" where they are found to be fraudulent, and certificates given where they are found to be valid, by the 1st of January. Therefore the Department will be able to tell whether it is twenty-five or fifty thousand acres of land that must be used for the purpose of satisfying these claims.

Unless some limitation is fixed we will drift along from year to year with these fraudulent claims floating. As I understand, in the State of New Jersey there are thousands of fraudulent land claims to-day, for which no land can be found to satisfy the claims, issued along about the opening of the century. They are in excess of the amount of land that was available to satisfy them. That was done under the original grant from the Crown to certain persons, and they in turn issued the claim for land, and when all the land was taken the remainder of the claims were fraudulent because there was nothing to which they could apply.

I do not care about the amendment. It comes here from the Committee on Public Lands. Some members of the committee appeared upon full investigation to be opposed to it. I have no desire to insist upon it, but yet they think it is wholesome legislation and very much needed.

Mr. TELLER. I wish to make a suggestion to the Senator. He is a member of the Committee on Public Lands. I understand

that this measure has had rather an informal examination by the committee. I should have a good deal of faith in the committee, the committee having examined it carefully. I want to suggest to the Senator and the chairman of the committee that the bill might go back to the committee and be put in order, so that there will be no question about it, and that they might add to that also another feature.

In 1897 we provided that a settler inside of a forest reservation might dispose of his land if he did not want to stay in the reservation, and get other land of an equal amount. I do not suppose it was ever intended, and I do not believe that anybody contemplated at the time when the law was passed, that he would be allowed to go upon unsurveyed land and take land in exchange. But the Department unfortunately have held, and they do not seem to be willing to change that ruling, that all the land in the United States (not perhaps mineral land, but all nonmineral land) is subject to location, surveyed and unsurveyed.

I am told the result of that is that in some of the States where there is some very fine timber that is kept out of the reach of any homesteader or any preemptor (in fact they are all homesteaders now), this scrip or this same system that they are now using with soldiers (for that is the practical way, I understand, to take it up) can be located, and that they are locating on these exchanges large quantities of white pine timber, valuable pine timber, which no settler is allowed to take. I think that location ought to be restricted to the surveyed lands, and the settlers ought to have a chance at the unsurveyed land instead of these speculators.

Mr. PETTIGREW. If the Senator will allow me, the worst abuse under the forest-reservation law is that they have allowed the railroad companies to swap the tops of mountains, which are not worth a quarter of a cent an acre, for this scrip and locate it on valuable timber land acre for acre.

Mr. TELLER. Unsurveyed?

Mr. PETTIGREW. I have introduced a bill to repeal that provision of the law, and I hope very much that it will be passed by the Senate before we adjourn.

Mr. TELLER. I wish the bill might go back and see if the committee can not bring out something to cover both cases. I have no desire to prevent men who perhaps ought to have a title from getting it in proper time.

Mr. CARTER. I am willing the matter shall be recommitted to the committee. I am perfectly satisfied that upon an examination of the law and the decision of the Supreme Court the Senator from South Dakota will concede at once that, whatsoever the Department may have thought to the contrary, the Supreme Court has held that these rights are clearly and always have been assignable.

Mr. PETTIGREW. I should like to ask the Senator why there is a necessity for any legislation then?

Mr. CARTER. The purpose is to brand the fraudulent floats that are going over the country, and to compel people to show them up before the 1st day of next January, or be forever barred from having them protected. It is a statute of limitations in that particular.

Mr. PETTIGREW. I should like to ask the Senator a question. Does not the Department refuse to allow these entries now in the way he suggests? They refuse to certify them and then they refuse to allow them.

Mr. CARTER. They do not, for they have authority of law.

Mr. PETTIGREW. They have rejected them, and they would not certainly disobey the Supreme Court. That decision, of course, was made when the Department made this ruling, so that the Department had a right to make the ruling. Of course then it applied, and since the Department revoked the ruling it does not apply.

Mr. CARTER. They went beyond that, and said most emphatically that the Department was compelled under the law to recognize an assignment of a soldier's additional homestead claim, whether it had a ruling to the contrary or not.

I suggest, if it is not contrary to the views of the chairman, that we recommit the entire measure and let these provisions be considered together.

Mr. TELLER. I think that is the proper thing to do. Of course, if the court held that they are entitled to locate in this way, we have got to stand by it.

Mr. CARTER. The purpose here is to compel them to show up their claim.

Mr. TELLER. I hope the committee will consider the other proposition, whether we should not restrict this other class to the surveyed land.

The PRESIDING OFFICER. The Senator from Montana moves that the bill and the pending amendment be recommitted to the Committee on Public Lands.

The motion was agreed to.

MEMORIAL BUILDING IN WASHINGTON.

Mr. SCOTT. I desire to call up the bill (S. 2237) setting apart certain public grounds in the city of Washington for the use of the National Society of the Daughters of the American Revolution for the erection of a memorial building.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent to consider at this time a bill which will be read.

Mr. SCOTT. I desire to offer an amendment by direction of the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. The bill will be read at length.

The Secretary proceeded to read the bill.

Mr. CHANDLER. Is the bill subject to objection?

The PRESIDING OFFICER. It is subject to objection.

Mr. CHANDLER. I object.

The PRESIDING OFFICER. Objection is made.

PUBLIC BUILDING AT ELIZABETH, N. J.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. KEAN. I ask the Senator to allow me to call up a little local bill which will give rise to no discussion.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

Mr. KEAN. Will the Senator yield to me?

Mr. ALLISON. It seems to be a bill of a good many pages.

Mr. KEAN. No; the committee has reported a substitute, and it is not long.

Mr. ALLISON. I will yield to the Senator, but I can not yield to any other Senator.

Mr. KEAN. I ask the Senate to proceed to the consideration of the bill (S. 1423) for the purchase of a site and the erection of a public building thereon in the city of Elizabeth, N. J.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Elizabeth and State of New Jersey, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of \$165,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 23, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 22, 1900.

CONSUL.

John C. Freeman, of Wisconsin, to be consul of the United States at Copenhagen, Denmark, vice John C. Ingersoll, resigned.

POSTMASTERS.

Nettie A. Hudspeth, to be postmaster at Nashville, in the county of Howard and State of Arkansas, in the place of Elizabeth J. Hudspeth, resigned.

Harry S. Van Gorder, to be postmaster at Morenci, in the county of Graham, Arizona Territory, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

John F. Stunkel, to be postmaster at Leesburg, in the county of Lake and State of Florida, in the place of A. P. Jordan, whose commission expires May 27, 1900.

James William Huggins, to be postmaster at Fitzgerald, in the county of Irwin and State of Georgia, in the place of D. E. Peiper, resigned.

W. S. Rice, to be postmaster at Carmi, in the county of White and State of Illinois, in the place of J. D. Martin, whose commission expired January 23, 1900.

J. A. Constant, to be postmaster at Sabetha, in the county of Nemaha and State of Kansas, in the place of W. A. Wagoner, whose commission expired February 13, 1900.

Homer B. Bryson, to be postmaster at Carlisle, in the county of Nicholas and State of Kentucky, in the place of Phoebe Mann, whose commission expires May 26, 1900.

David Israel, to be postmaster at Donaldsonville, in the county of Ascension and State of Louisiana, in the place of G. H. Richard, whose commission expired December 12, 1897.

Freeman D. Dearth, to be postmaster at Dexter, in the county of Penobscot and State of Maine, in the place of E. H. Chase, whose commission expires May 27, 1900.

George D. Libby, to be postmaster at Gardiner, in the county of Kennebec and State of Maine, in the place of F. M. Noyes, whose commission expired May 19, 1900.

Charles E. Brady, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts, in the place of Charles E. Brady, whose commission expired May 18, 1900. (Reappointment.)

Henry Allen Talbot, to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts, in the place of M. F. Conroy, whose commission expired April 30, 1900.

R. Arundel, to be postmaster at Staples, in the county of Todd and State of Minnesota, in the place of W. J. Flynn, whose commission expired May 6, 1900.

James M. Diment, to be postmaster at Owatonna, in the county of Steele and State of Minnesota, in the place of M. J. Toher, whose commission expired May 6, 1900.

E. S. Pierce, to be postmaster at Oxford, in the county of Lafayette and State of Mississippi, in the place of John M. Frazier, deceased.

Nannie B. Richardson, to be postmaster at Woodville, in the county of Wilkinson and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

John F. Diener, to be postmaster at Syracuse, in the county of Otoe and State of Nebraska, in the place of Mary F. Ballantine, whose commission expired March 25, 1900.

John J. Anderson, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey, in the place of J. H. Fank, whose commission expired May 14, 1900.

George W. Pollitt, to be postmaster at Paterson, in the county of Passaic and State of New Jersey, in the place of H. J. Kohlhaas, resigned.

H. J. Rouse, to be postmaster at Cazenovia, in the county of Madison and State of New York, in the place of George W. Salisbury, whose commission expires May 29, 1900.

Charles E. Smith, to be postmaster at Whitesboro, in the county of Oneida and State of New York, in the place of Edward Kernan, whose commission expired January 7, 1900.

Clarence A. Sprague, to be postmaster at Liberty, in the county of Sullivan and State of New York, in the place of Elmer Winner, whose commission expired February 11, 1900.

William Watson, to be postmaster at Warsaw, in the county of Wyoming and State of New York, in the place of F. J. Kearney, whose commission expires May 29, 1900.

John M. Birch, to be postmaster at Yellow Springs, in the county of Greene and State of Ohio, in the place of O. C. Munch, whose commission expired March 13, 1900.

Henry Nixon, to be postmaster at Salineville, in the county of Columbiana and State of Ohio, in the place of William Burns, whose commission expired March 25, 1900.

Joseph B. Woodward, to be postmaster at Franklin, in the county of Warren and State of Ohio, in the place of Catherine Riley, whose commission expired March 13, 1900.

Edward B. Waters, to be postmaster at Burns, in the county of Harney and State of Oregon, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

E. D. Carl, to be postmaster at Greencastle, in the county of Franklin and State of Pennsylvania, in the place of Albert Snyder, whose commission expired April 2, 1900.

George A. Johnson, to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania, in the place of J. R. Worst, whose commission expired April 25, 1900.

U. V. Mace, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania, in the place of A. A. Swingle, deceased.

W. G. Roberts, to be postmaster at Eldred, in the county of McKean and State of Pennsylvania, in the place of H. L. White, whose commission expires May 29, 1900.

Walter Price, to be postmaster at Westerly, in the county of Washington and State of Rhode Island, in the place of W. P. Clancy, whose commission expired February 11, 1900.

James W. Johnson, to be postmaster at Marion, in the county of Marion and State of South Carolina, in the place of Leonard R. Owens, removed.

Belle Nance, to be postmaster at Lancaster, in the county of Lancaster and State of South Carolina, in the place of Joseph F. Gregory, whose commission expired January 15, 1900.

James Clove, to be postmaster at Provo City, in the county of Utah and State of Utah, in the place of John C. Graham, removed.

Thomas H. Sexton, to be postmaster at Juneau, in the county of Dodge and State of Wisconsin, in the place of Eli Hawks, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1900.

CONSULS.

Thornwell Haynes, of South Carolina, to be consul of the United States at Rouen, France.

Everett E. Bailey, of Illinois, to be consul of the United States at Ensenada, Mexico.

COLLECTOR OF CUSTOMS.

Joseph C. Bonner, of Ohio, to be collector of customs for the district of Miami, in the State of Ohio.

POSTMASTERS.

Fredrick L. Wellman, to be postmaster at Monona, in the county of Clayton and State of Iowa.

Victor Nelson, to be postmaster at Gowrie, in the county of Webster and State of Iowa.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 22, 1900.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MARIE C. HAUKNES.

Mr. BULL. Mr. Speaker, I submit a privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from Rhode Island, chairman of the Committee on Accounts, calls up the following privileged report which the Clerk will read.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and hereby is, authorized and directed to pay to Minnie C. Haukness, widow of H. O. Haukness, late chief clerk of the folding room, House of Representatives, a sum equal to six months of his salary, and expenses of his last illness and funeral not to exceed the sum of \$250.

The following amendments, recommended by the Committee on Accounts, were read:

In line 2 strike out the word "Minnie" and insert the word "Marie."
In line 3 strike out the word "chief" and insert the article "a."
In line 3, after the word "clerk," strike out "of" and insert "in."
In line 6 strike out "fifty" and insert "thirty-two;" and after the word "dollars" insert "and fifty cents."

Mr. RICHARDSON. Mr. Speaker, in reading the amendments it is impossible to understand the effect of them, and I wish the gentleman would make some explanation of the amendments.

Mr. BULL. The amendments are simply verbal. They are to make the resolution proper. They do not change the effect of the resolution at all.

Mr. RICHARDSON. Do they change the amount?

Mr. BULL. Not at all.

The amendments recommended by the committee were agreed to. The resolution as amended, was agreed to.

ANNIE MOREHOUSE COOKINGHAM.

Mr. BULL. I also submit the following privileged report from the Committee on Accounts.

The resolution as amended by the Committee on Accounts was read, as follows:

Resolved, That the Clerk of the House of Representatives is hereby authorized to pay out of the contingent fund of the House to Annie Morehouse Cookingham, daughter of Ezra L. Morehouse, late a folder on the folders' roll of the House of Representatives, a sum equal to six months of his salary, and funeral expenses not exceeding \$32.32, the same to be immediately available.

The amendments recommended by the committee were agreed to. The resolution as amended was agreed to.

ADDITIONAL CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. BULL. I also submit the following:

The resolution was read, as follows:

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$9 per day during the remainder of the present session.

The resolution was agreed to.

On motion of Mr. BULL, a motion to reconsider the votes by which the several resolutions were agreed to, was laid on the table.

MAUSOLEUM OF HAWAIIAN KINGS.

Mr. KNOX. I desire to call up Senate joint resolution No. 76, and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of a joint resolution of the Senate, which the Clerk will now report.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described lands lying and being situate in the city of Honolulu, Hawaiian Islands, heretofore used as a mausoleum for the royal family of Hawaii, to wit: The mausoleum premises, beginning at the north corner of said lot; on the southeast side of Nuuanu street, the same being the west corner of L. C. A. 632, to M. Kekuanaoa, as shown on government survey's registered map No. 638, and running by true bearings: South 40° 20' east 386 feet along L. C. A. 632, to Kekuanaoa; south 25° 28' west 258 feet, to stone wall; north 34° 22' west 72.9 feet, along L. C. A. 10,605 ap 2, to Piikoi; north 57° 15' west 106 feet along L. C. A. 10,605 ap 2 to Piikoi; north 62° 10' west 263.5 feet along L. C. A. 10,605 ap 2, to Piikoi, and L. C. A. 785, to J. Robinson; north 36° 40' east 367 feet along Nuuanu street to initial point; area, 119,610 square feet, be withdrawn from sale, lease, or other disposition under the public land laws of the United States.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I should like to inquire if this resolution has been referred to the proper committee of the House?

Mr. KNOX. This is a Senate resolution. It was referred to the Committee on Territories of the House, considered by that committee, and favorably reported. I would like to say to the gentleman from Alabama, so that the House may understand what the resolution is, that this simply withdraws from the public lands the mausoleum or graveyard where the old Hawaiian kings and royal family are buried, sleeping in unconsciousness of the fact that we have annexed the islands to the United States. It is proper that their burial place should be preserved.

Mr. UNDERWOOD. Has the resolution a unanimous report from the Committee on Territories of the House?

Mr. KNOX. It has a unanimous report from the committee.

Mr. UNDERWOOD. What disposition will be made of this property after it is withdrawn?

Mr. KNOX. It is a royal cemetery and it is to remain forever as it is now.

Mr. LACEY. I would like to ask the gentleman a question. I did not catch the full reading, but I understood the resolution simply to withdraw this land from the operation of the land laws of the United States.

Mr. KNOX. From the public domain of the United States.

Mr. LACEY. But the difficulty about that is this: The land laws of the United States have not been extended to Hawaii and it may be disposed of under the land laws of Hawaii. Ought not the resolution to be amended so that the land will not be disposed of either under the land laws of Hawaii or of the United States?

Mr. KNOX. It is perfectly guarded under the Hawaiian law, and it was to prevent any question that might arise under the public-land laws of the United States, or any claim that it might be disposed of under them.

Mr. LACEY. There is no possible way of disposing of it under the land laws of the United States. If that is all, it is not needed, but if we attempt to prevent its disposition at all it seems to me

that the resolution ought to be amended so as to include the land laws of Hawaii as well.

Mr. KNOX. The general public-land laws of Hawaii are continued in force, except as Congress otherwise directs. We have provided that no lease of lands or disposition of the public lands of Hawaii shall take place unless authorized by act of Congress. It presupposes the power of Congress to lease for a term of years or to otherwise dispose of lands in Hawaii. It is to make sure. While it is safeguarded under the land laws of Hawaii, we want to make it sure under the public-land laws of the United States, that there shall be no disposal of the mausoleum of the royal family of Hawaii.

Mr. LACEY. What land laws of the United States have we passed that would affect this?

Mr. KNOX. The land law that we created by the bill we passed, that created the power of Congress to regulate, to lease, and dispose of lands in Hawaii. It is to guard against that that this bill provides.

Mr. LACEY. The land laws of the United States have not been extended to Hawaii.

Mr. KNOX. I know that. They have been extended only to the extent of the former bill passed.

Mr. McRAE. I would like to ask the gentleman from Massachusetts a question. This land, as I understand, is to be preserved for cemetery purposes. I would ask the gentleman if the bill dedicates the land to that purpose, and if not, why it should not?

Mr. KNOX. There has been a law in Hawaii dedicating about 119,610 square feet, which from time immemorial has been used as a mausoleum or burial place for the members of the royal family of Hawaii.

Mr. McRAE. I understand that feature of it. Does this resolution dedicate it for that purpose?

Mr. KNOX. It is now dedicated for that purpose. This bill provides that this plot shall be withdrawn from sale, lease, or any other disposition under the land laws of the United States. It is to preserve it as it is, and to keep it as dedicated.

Mr. McRAE. That withdraws it from sale, which is right. Should it not go further, and dedicate the land for that purpose?

Mr. KNOX. By the former bill we preserve all the land laws of Hawaii that are not in contravention of our own laws, and this plot is already dedicated under the laws of Hawaii to this use.

Mr. McRAE. I am afraid that you do not dedicate it.

Mr. KNOX. It is already dedicated under the Hawaiian laws.

Mr. WHEELER of Kentucky. Mr. Speaker, I hope there will be no further objection to this bill on this side of the Chamber; for I am persuaded that a few kings, dead or living, are only necessary to complete the policy of the present Administration, and I trust the bill will be passed.

Mr. STEELE. That was very severe!

Mr. WHEELER of Kentucky. Yes.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. KNOX, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LAND FOR CEMETERY PURPOSES AT SILVERTON, COLO.

Mr. BELL. Mr. Speaker, I wish to call up the bill (H. R. 10812) and ask unanimous consent for its present consideration.

The bill was read, as follows:

A bill (H. R. 10812) authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colo., as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said land for cemetery purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to set aside the following-described land as a legal subdivision or lot, namely: Beginning at corner No. 1, a post which is also the corner post of the fence of old cemetery, and marked "Cor. No. 1, Cemetery," whence United States locating monument "Silverton" bears north 79° 24' west 2,918.9 feet, Bear Mountain bears south 69° 57' west, Sultan Mountain bears south 51° 56' west, Galena Mountain bears north 79° 24' east; thence north 57° 6' east 562 feet to corner post of old cemetery, 1,091.3 feet to corner No. 2, a post 6 inches in diameter, 4½ feet long, scribed "2 X" and marked "Cemetery," and set in ground with mound of stones; thence north 18° 40' west 563.7 feet to corner No. 3, a post 6 inches in diameter, 4½ feet long, scribed "3 X" and marked "Cemetery," and set in ground with mound of stones; whence a cross "X" and "B. T. 3 X," scribed on a small pine tree 6 inches in diameter, bears south 47° 59' east 11.5 feet, Galena Mountain bears north 82° 7' east, and Sultan Mountain bears south 51° 3' west; thence south 72° 13' west 683 feet to corner No. 4, a corner post of the fence of old cemetery, marked "Cor. No. 4, Cemetery;" thence south 74° west 599.8 feet to corner No. 5, a corner post of the fence of old cemetery, marked "Cor. No. 5, Cemetery;" thence south 8° 4' east 376.1 feet to corner No. 6, a corner post of the fence of old cemetery, marked "Cor. No. 6, Cemetery;" thence south 48° 13' east 575 feet to corner No. 1, the place of beginning. Magnetic variation 14° 2' east. All courses deflected from a true meridian, the above-described tract of land containing 20.841 acres, all in San Juan County, Colo., and near the town of Silverton in said county.

SEC. 2. That the mayor of the town of Silverton, Colo., is hereby authorized to enter the above-described land at the proper land office, for cemetery purposes, subject to any legal, valid, and existing claims, by paying to the receiver of the proper land office \$1.25 per acre therefor, and all legal fees.

The SPEAKER. Is there objection?

Mr. HAUGEN. I object.

Mr. LACEY. I hope my friend will not object to this bill. This is a cemetery which was established long before the land was surveyed. It has been used for burial purposes for many years, and this is to enable the town to quiet the title to land that has been used for that purpose.

Mr. SHAFROTH. It is only 20 acres that have been used for a cemetery.

Mr. LACEY. It is for 35 acres for cemetery purposes.

Mr. BELL. It has been used for forty years.

Mr. HAUGEN. I object to the consideration of the bill.

TRAVELING ALLOWANCES TO ENLISTED MEN OF THE REGULAR AND VOLUNTEER FORCES.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3616.

The bill was read, as follows:

A bill (S. 3616) to authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War and stated by him as entitled to travel pay.

Be it enacted, etc., That when the Secretary of War, in the exercise of his discretion, has directed the discharge of any enlisted men of the regular or volunteer forces of the Army, and the orders or instructions directing such discharge stated that such enlisted men were entitled to travel pay, such order or instruction shall be sufficient authority for the payment to the soldiers of the traveling allowances provided for by section 1290 of the Revised Statutes. And officers of the Pay Department of the Army shall have credit in the settlement of their accounts for all payments made in obedience to said orders or instructions of the Secretary of War: *Provided,* That soldiers discharged under such orders or instructions, which stated that such soldiers were entitled to travel pay, and who were absent by authority on the date of the muster out of their regiments or of discharge, are entitled to and will be paid traveling allowance from place of muster out of their regiments or the places designated in the final statements as the place of discharge to the place of enlistment or enrollment: *Provided further,* That the provisions of this act shall apply only to cases that have arisen or shall arise under orders or instructions for discharge with travel pay issued between April 21, 1898, and the date of the passage of this act: *Provided further,* That it shall not be held as applying to any case in which the order directing the discharge did not set forth that the soldier was entitled to travel pay.

The SPEAKER. Is there objection?

Mr. JETT. Reserving the right to object, I want to hear an explanation.

Mr. MONDELL. Mr. Speaker, the provisions of this bill legalizes the payment of travel allowances—

Mr. RICHARDSON. It is impossible to hear.

The SPEAKER. The House will be in order.

Mr. MONDELL. Mr. Speaker, the provisions of this bill will legalize the payment of travel allowances to certain soldiers of the Regular and Volunteer Army if made in accordance with specific instructions of the Secretary of War. At the time of the discharge of certain regiments during the Spanish war a number of soldiers belonging to those regiments were—

Mr. MAHON. There is an understanding by many of the members of the House that this is a bad bill, and I will say that it can not be passed by unanimous consent. I therefore object.

ALASKAN CODE.

Mr. WARNER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (S. 3419). The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. JENKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3419), being an act making further provision for civil government for Alaska, and for other purposes. The Chair will state, by way of information, that when the committee rose there was a pending amendment, offered by the gentleman from West Virginia, to strike out the word "three," in line 4 of page 4, section 4, so that the same should read, "two district judges," instead of three. The question is upon agreeing to the amendment of the gentleman from West Virginia.

Mr. KNOX. Mr. Chairman, I do not feel like having the question upon this amendment put to a vote of the committee without saying a word in opposition to the proposition that is made. This bill provides for the establishment of three courts of general jurisdiction in Alaska, one to be located at Juneau, another to be located at Eagle City, and the other at Nome City. Now, the gentleman from West Virginia moves to strike out the word "three" and insert the word "two," giving to Alaska two courts of general jurisdiction instead of three, and to that we object. It is very little we are doing for Alaska by this bill. We do not give them a representative government. We do not give any power to legislate to the people of Alaska, and it is now too late to provide any such power for the people of that district. But we can establish justice in Alaska, and we can provide for its efficient administration in that district. Now, the gentleman from West Virginia [Mr. DAYTON] says that there are in Alaska but 30,000 permanent residents. Why, Mr. Chairman, the last report of the Secretary of the Interior—

Mr. DAYTON. I hope the gentleman will not misrepresent me. I made the statement distinctly on the basis of a statement made in the committee room by a representative from Alaska.

Mr. KNOX. I remember that that was so, but the statement was made on the floor that there were but 30,000 permanent inhabitants of Alaska. Under the report of the Secretary of the Interior, taken from the report of Governor Brady, there are 31,000 natives and Russian Creoles in Alaska, to say nothing about the white men that have gone there within the last few years, and are going there at the present time.

Mr. HILL. There were 30,000 inhabitants there when we bought it.

Mr. KNOX. The gentleman from West Virginia says we are creating courts and judges and offices to be filled by somebody and that there is a manifest purpose on the part of somebody to create offices. Mr. Chairman, this bill has received the consideration of two committees of this House, a committee of the Senate, and the Senate itself, and last year it was considered by a committee of the House, by a committee of the Senate, and by the Senate, and we had there members of the bar, the governor of the Territory, and representatives of the chamber of commerce at Juneau, and I never yet heard anyone suggest that the three courts in that Territory were too many, or that it was too much of a judicial establishment for that vast territory, vast in inhabitants and an empire in riches.

Mr. GAINES. How many judges have we there now?

Mr. KNOX. One court and one judge, with a certain number of United States commissioners.

Mr. GAINES. A few days ago I noticed in a press report that the Alaskan judge had sent his resignation to the President and, it would seem, went off to hold court at some distant place. He started to return. He was then asked to hold court on his return home, I believe, and he agreed to do so; but on arriving he was confronted with the President's acceptance of his resignation as such judge.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KNOX. I ask that my time may be extended five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks that his time may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES. At all events, when he got to the place where he agreed to hold the court, he found he was no longer a judge. This shows that this country is so large that this correspondence from the President could not reach the judge who was about to hold court, when he was then, and had been possibly some time, an ex-judge. This emphasizes the fact that we should have more than one judge there, and possibly three.

Mr. KNOX. Now, Mr. Chairman, a word more. So much for population. The very purpose of this bill is, and its justification and excuse are, that it is a bill not for to-day, but for the future; not the remote future, but the immediate future. There are probably 50,000 Americans in there now. There will be a hundred thousand this year, according to all estimates, before the season closes. Read in the papers the steamship loads of men leaving Seattle and ports on the Pacific coast for Alaska. They are enterprising, active men—our best citizens—going in there for business and activity. Twenty-two thousand in two days, I am told, have left for Alaska. So much for the people.

Now, permit me to say something as to the Territory. These courts were located at the points of what may be called a right-angle triangle at Juneau, then at Eagle City, up at the head waters of the Yukon, originally at St. Michael, and now changed from there to Nome City. From Juneau to Eagle City is a thousand miles; down the Yukon to its mouth 2,500 miles.

Mr. BABCOCK. What is the distance between those two places?

Mr. KNOX. From Eagle City to Juneau the distance is about a thousand miles. From Juneau to Nome City the distance is seventeen hundred miles. From Eagle City to Cape Nome, by way of the Yukon River, the distance is, I believe, about twenty-five hundred miles. The distances between these principal points are very considerable. But not only are the distances great, at certain seasons of the year the routes between these places can not be traversed at all. Yet at all these places there are vast populations going in.

One word more. Consider the jurisdiction of these courts. They are not limited to Territorial jurisdiction nor to United States jurisdiction. Any subject which one may bring before any court may be brought before these courts—law, equity, admiralty, criminal practice. Think of the questions that will arise under the admiralty jurisdiction. Think of the transports that are going in there. Think of the customs laws that apply over Alaska. Think of all the importations. Think of the Aleutian Islands, extending a thousand miles toward Asia, with harbors, and ports, and business.

We feel that the three courts which this bill proposes to establish are as few as the district can possibly get along with if justice is to be properly administered in that vast territory during the coming season and in the near future.

Mr. PAYNE. Mr. Chairman, I do not believe that three judges and three districts and three courts are necessary for Alaska. I had the pleasure of visiting Alaska last summer; and at Juneau there was a public meeting in which the town people gathered; and their best orators told us all about the grievances of the people—what they wanted. But they did not even ask for more than one judge or one court. They did ask that the residence of the judge should be changed from Sitka to Juneau, on the ground that Sitka had grown to be an old, worn-out place—was not increasing in population, but rather losing population and business, and that the great bulk of legal business came from Juneau and Skagway, which is not so far from Juneau as to make the travel from one point to the other excessive. Now, it does seem to me that if this bill should provide for two judges, one to be located at Nome City and to reside there, the other to live at Juneau, the arrangement would answer every purpose for the people of that Territory.

The greatest enthusiast last summer claimed that there was a little more than 30,000 white people residing in the whole of Alaska. Of course there are more there now on account of the gold excitement at Nome City; but a large proportion of the inhabitants of Nome City are those who have come down from the Klondike region during the past season because of the richer finds of gold at Nome City. With a judge located at Juneau, to hold two courts there during the year and to hold court at Skagway and Eagle City, and with a judge at Nome City, it seems to me every facility would be given for dispensing justice to the people of Alaska.

Mr. ROBINSON of Indiana. How many lawyers did the gentleman find at Alaska?

Mr. PAYNE. Quite a good many lawyers to the square inch.

Mr. ROBINSON of Indiana. I understood that there were not many lawyers there, and the business of the courts is usually regulated by the number of lawyers. I agree with the gentleman from New York [Mr. PAYNE] that two judges are sufficient.

Mr. PAYNE. Quite a number of lawyers are located at Juneau and at Skagway. While in the Territory I met perhaps thirty or forty gentlemen who alleged that they were lawyers.

Mr. ROBINSON of Indiana. They alleged that they were?

Mr. PAYNE. Yes, they admitted the fact.

Mr. ROBINSON of Indiana. They were willing to confess that they were lawyers?

I find in this bill a provision that the judges of that district while holding office must reside in Alaska. I think that is a wise provision—

Mr. PAYNE. Alaska has already furnished judges; and I think it could furnish even three respectable judges.

Mr. ROBINSON of Indiana. I find, however, that these judges are not necessarily to be appointed from residents of Alaska.

Mr. PAYNE. The contemplation of the bill is that they are to be residents of Alaska. Mr. Chairman, it seems to me that the proper thing to do is to reduce the number of judges named in the bill to two. I think the people there will be perfectly satisfied. The chairman of the Committee on Territories said no one had asked to have the number reduced to two. Well, of course they did not. If they found the committee were going for three or four or five, of course they would consent to it; but when we were there last summer and they were talking to us and presenting their grievances, they did not ask even for an additional judge. What they wanted was to have a judge located at Juneau, where the bulk of the legal business seemed to be.

Mr. CUSHMAN. Will the gentleman from New York yield to me for a question?

Mr. PAYNE. Yes.

Mr. CUSHMAN. With whom did the gentleman from New York talk in Alaska who said they would be contented with one more judge?

Mr. PAYNE. I said they seemed to want to have the place of holding court changed, and did not ask even for one additional judge. The gentleman comprehends that. I think they were the prominent citizens, the "P. C.'s" who addressed us at the public meeting, and who seemed to voice the sentiment of the crowd gathered there.

Mr. TONGUE. Will the gentleman from New York yield to me?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I ask for five minutes more.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TONGUE. Will the gentleman yield for a question?

Mr. PAYNE. Yes.

Mr. TONGUE. In discussing with citizens of Alaska the question of judges, did you talk with anyone who resided in the vicinity of Nome City or Circle City or any of the islands?

Mr. PAYNE. I did not go to Nome City or Circle City or Eagle City.

Mr. TONGUE. Does the gentleman from New York know whether it would be possible for the inhabitants, the lawyers, or the judges, to communicate with each other between Circle City, Cape Nome, and the islands during about six months in the year?

Mr. PAYNE. Well, I understand this bill only provides for one term of court to be held at Nome City, recognizing the fact that they only go there during the summer season or communicate with them in the summer season. The judge is to hold only one term of court there, because the business is done during the summer season. Now, I am conceding a judge at Nome City as being desirable, because of the changed conditions, even from a year ago, when Nome City was a very small affair. It is going to be larger all the time, and I think we ought to have an extra judge there, as there ought to be more business there; but I can not for the life of me see why a judge located at Juneau can not go and hold a term of court during the summer season at Eagle City or at Circle City, or wherever it is deemed desirable to hold one term of court. It takes only five or six days to go. The communication is all right during four months of the year, at the time when the term of court would be held.

Mr. GAINES. How far does the judge have to travel now between his places of holding court?

Mr. PAYNE. He has to travel all over Alaska, or rather the suitors have to travel all over Alaska to get down to Juneau and Skagway or Sitka, where the judge resides.

Mr. GAINES. One other observation—

Mr. PAYNE. They have to travel two or three thousand miles.

Mr. GAINES. Do you know why the present judge has resigned?

Mr. PAYNE. I do not know why he resigned.

Mr. GAINES. This press report that came from the State of Washington stated that the judge who had been acting out there had resigned. Now, I take it he was pretty well worn out or had too much territory to cover. So I ask the gentleman if he knows the reason why that judge resigned?

Mr. PAYNE. I do not know why he resigned. I know the man was not in very good health when I saw him, but I do not know why he resigned.

Mr. HILL. Did you see that judge?

Mr. PAYNE. Yes; I saw him.

Mr. HILL. I was there a day or two before you, and I understood he had gone to Cape Nome.

Mr. PAYNE. No; he did not go there until after we got there. We took the marshal up there and he organized the expedition to take the judge up to Cape Nome. The gentleman is mistaken about that. While it is not dark very much of the time, it is very dark when it gets dark up there, and the gentleman from Connecticut did not see the judge when he was there. [Laughter.] We did see him. Now, what I was saying was that I think a judge located at Juneau can perform the duties at Skagway and Circle City, and give them much better accommodation than they ever dreamed of before, and hear all the litigation that ought to be heard, with commissioners properly located throughout the district, which I have no doubt this bill gives. Therefore, I hope the amendment will be agreed to.

Mr. LLOYD. Mr. Chairman, as far as I am personally concerned, from the investigation I have made of this matter, I have no hesitation in saying that the amendment of the gentleman from West Virginia [Mr. DAYTON] ought to prevail. It appears that the population in Alaska is mainly found in the extreme southeast portion of it, adjacent to the State of Washington, in the Juneau district. The next largest part of the population is at Nome.

Mr. DAYTON. Mr. Chairman, I hope we may have order, so that the gentleman from Missouri may be heard. He has given the bill a great deal of thought and attention, and I hope he may be heard.

The CHAIRMAN. The committee will be in order. Gentlemen will resume their seats and cease conversation.

Mr. LLOYD. As I started to remark, the greatest center of population is about Juneau. The next largest center of population is about Nome. Other than that there is nothing but a scattered population. The Yukon Valley, from St. Michael to British Columbia, at no place furnishes a town of 500 inhabitants. There seems to be no special complaint about the want of justice in Alaska. This bill provides for justices of the peace, with jurisdiction in all criminal cases involving misdemeanors, and providing also jurisdiction in all civil cases up to the amount of \$1,000, nearly four times the jurisdiction that is ordinarily given to a justice of the peace.

This bill provides that as many commissioners or justices of the peace may be selected as are necessary for the administration of justice in that country. I am well convinced of the fact that if commissioners are selected for all the important towns and places in the district of Alaska, they can perform all the judicial work that

is necessary to be performed, except perhaps one court; but I concede that the gentleman's amendment may be adopted, providing for two judges. There are only two centers of population—one at Nome and one at Juneau. At those two places this bill under the amendment will provide judges. There is no necessity for a judge at any other place. It is asserted that Eagle City, where they propose to establish a third judge, is a thousand miles from Juneau. Suppose it is a thousand miles from Juneau. There are only two terms of court provided at Juneau. Why can not the judge who holds court at Juneau go to Eagle City and hold a term of court there? There is only one term of court provided at Nome by this bill.

Mr. TONGUE. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Oregon?

Mr. LLOYD. Yes.

Mr. TONGUE. The gentleman states that there are only two centers of population.

Mr. LLOYD. Yes.

Mr. TONGUE. Does the gentleman know how many inhabitants there are in Juneau?

Mr. LLOYD. I do not know exactly how many.

Mr. TONGUE. Does the gentleman know how many there are in Skagway?

Mr. LLOYD. I say the centers of population are about Juneau and Skagway—

Mr. TONGUE. Does the gentleman know that there is twice the population at Skagway than there is at Juneau?

Mr. LLOYD. Yes; I admit that Skagway has a larger population than Juneau, but Skagway and Juneau are both in the same portion of Alaska.

Mr. TONGUE. What is the distance between those two places?

Mr. LLOYD. I do not know the exact distance they are apart, but they are in the same part of the great Territory of Alaska. There is no separate judge provided for Skagway by this bill. Juneau and Skagway have the same judge, who holds two terms at each place. If there is anything in the point that the gentleman undertakes to make, it does not apply in the case of Juneau and Skagway under the provisions of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAYTON. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes.

There was no objection.

Mr. LLOYD. I was saying that there is nothing in the point indicated by the gentleman from Oregon and that this bill only provides one judge for that portion of Alaska. By the provision of the bill, as proposed by the gentleman from West Virginia, that portion of Alaska will have the same judge and have the same court. By the provision as we propose it, for two judges, there will be one judge for that portion of Alaska and another judge up at Nome. Now, by the provisions of the bill as it is stated by the Senate and the majority of this committee, there is to be only one term of court at Nome. Now, what is the judge going to do during the rest of the period?

There is another thing with reference to this bill that some gentlemen do not seem to have learned. This bill provides that every judge shall have the privilege of holding a court wherever it is necessary in order to secure justice and that he shall hold it at such times and such places as he deems necessary.

Mr. GAINES. Do you favor that provision?

Mr. LLOYD. Yes, sir; I am in favor of that provision. This bill in either of the provisions, that recommended by the majority or that recommended by the minority—take the bill as it stands, it relates to the same thing.

Mr. WARNER. The gentleman does not certainly mean to say that only one court can be held at Eagle City?

Mr. LLOYD. No, sir; I said that by the provisions of this bill there was only one term required to be held at Nome.

Mr. WARNER. I could not hear the gentleman.

Mr. LLOYD. By the provisions of this bill there is only one term of court provided at Nome.

Mr. WARNER. One term preemptorily, and the judge may have as many as he deems necessary.

Mr. LLOYD. And he may hold it at Eagle City or Circle City or wherever he finds it necessary. I simply called attention to the fact that the committee provided by this bill, according to this bill, only to hold one term of the court, and that term at Nome. The three judges with three courts are provided for, and the court to be established at Eagle City is under the provisions of the bill only to hold one term, and that term will be at Eagle City. Now, I called attention to the fact that other terms of the court may be held if necessary to hold them, so if there are only two judges they may still hold courts wherever it is necessary for them to hold them.

Mr. ROBINSON of Indiana. If there is anything which would prevent the judges traveling and holding courts at these three several places.

Mr. LLOYD. I know nothing of that. I know nothing of any trouble in that regard.

Mr. ROBINSON of Indiana. The weather is closed about six months of the year, I am informed.

Mr. LLOYD. Yes, sir; that is true.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BABCOCK. Mr. Chairman, it seems to me that gentlemen opposing this Senate bill overlook one great fact, and that is the area of the territory that is to be covered. Now, it may be true that there are only 25,000 or 30,000 people there.

Mr. WARNER. It is not.

Mr. BABCOCK. But they are going there every day as fast as transportation will take them. Another point that has not been brought out is the fact that for six months of the year they can not reach these different places, some of which are from 1,500 to 2,500 miles apart.

Mr. KING. Will my distinguished friend permit an inquiry?

Mr. BABCOCK. I have only a few minutes, but I will yield to the gentleman.

Mr. KING. Do they not leave about as fast as they go? Are not those who went there a year or two ago leaving the place which they went to and going to other places?

Mr. BABCOCK. Certainly not. Another thing, Mr. Chairman. I have had considerable talk with a gentleman who has represented the Government up there during the past summer, the captain of the *Bear*. He has complained of the many difficulties that they have had in administering justice, where it was absolutely necessary to let criminals go for the reason that they could not reach a court. No one will deny that—

Mr. LLOYD. Will the gentleman allow me to ask him a question there?

Mr. BABCOCK. I must decline to yield, for I have only a few minutes.

Mr. LLOYD. I will ask that the gentleman's time be extended. There is no trouble about any debate in this matter.

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. BABCOCK. Certainly.

Mr. LLOYD. Is it not true in these cases where justice may have failed it was in misdemeanor cases?

Mr. BABCOCK. Well, it was in cases of murder; if that is misdemeanor. [Laughter.]

Mr. LLOYD. Well, now, does the gentleman mean to say—

Mr. BABCOCK. We do not call murder a misdemeanor in Wisconsin.

Mr. LLOYD. Do you mean to say that there was any trouble in Alaska; any complaint was made in cases of murder? Is it not cases of misdemeanor; is it not cases of the lesser kind of crime, which are fully provided for in this bill, which gives justices of the peace full jurisdiction to try these cases?

Mr. BABCOCK. The discussion which I have had with the gentleman related entirely to high crimes, and the difficulties that he had experienced in trying to preserve law and order and in reaching a court of competent jurisdiction.

Mr. LLOYD. Now, Mr. Chairman, I want to say that I have heard no complaint with reference to the administration of justice in Alaska.

Mr. BABCOCK. I did not yield to the gentleman to make a speech. [Laughter.] I was about to say, Mr. Chairman, that no one will deny that we have neglected this great Territory for the past ten years; that they have no legislative government, nor any system of government there, such as should have been provided. It seems to me that when you provide for three courts, the nearest being a thousand miles apart, it is the very least this Congress can do.

Mr. GREEN of Pennsylvania. Mr. Chairman, it was my intention in 1898 to go to Alaska for the purpose of remaining there for some time. I started as early as 1897 to study this question, and I am satisfied from as intelligent and careful examination as could be made from the books and reports, the letters from persons there, and conversations with men who had been over the district, that it will be an absolute impossibility to give to these people adequate legal protection by judicial tribunals without giving them three judges.

In 1898 there was more necessity to have a court in and around Circle City or Eagle City than at any other place in Alaska. This vast region was shut off from the world almost nine months of the year. The route from Juneau and Skagway was one of the most difficult to travel in the world. It could only be traveled at great expense, in a long time, and with very little baggage. Crime in that part of the country fortunately was surprisingly small, considering the character of the people who drifted into it. From every report I have read since that time nothing has reached my ears or my eyes that would lead me to believe that there are not a very considerable number of people in and around Eagle City or Circle City. There are large property interests there.

Mr. LLOYD rose.

Mr. GREEN of Pennsylvania. I have not time to be interrogated. I will answer you after I get through. [Laughter.] The latest reports from Alaska show that while there have been a multitude of people recently starting for the Nome gold fields, there have been valuable gold deposits found away from Nome City, far up on the Yukon Valley, and, if reports are true, these last discoveries will vie with Nome in importance and richness.

Instead of going to Nome, the intended destination of many has been changed to the country up the Yukon to the new gold fields. Others in far east Alaska are drifting down, and so you will have during this year, and perhaps for the next thirty years, a population of this character, drifting hither and thither over the whole district of Alaska. A large number of them will remain in the Yukon Valley, and permanent towns will grow up all along the river. If one examines the map of Alaska, three points impress themselves upon his mind, namely, that eastern Alaska—that part around the Klondike country—is absolutely cut away from any other part of Alaska; and should any population go there, a judicial district will be an absolute necessity.

I believe there is a large enough population there, considering its character and the character of the interests and the country over which it is spread, to give a judge more than he can do; but should there not be now a sufficient population there will be in the very near future.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SHATTUC. Mr. Chairman, I ask that the time of the gentleman be extended ten minutes.

The CHAIRMAN. The gentleman from Ohio asks that the time of the gentleman from Pennsylvania be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Pennsylvania. The next thing you will notice by looking at this map is that the second center of population is around Juneau and Skagway. Both places have grown very rapidly, and I am glad to know that the necessity of a judge here is not questioned. This will be the easiest district for a judge to handle of the three in Alaska, if we maintain that number in this bill.

Mr. LLOYD. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. GREEN of Pennsylvania. Yes.

Mr. LLOYD. What is the population of Eagle City?

Mr. GREEN of Pennsylvania. The population of Eagle City nobody can tell at this time. There has been no recent report from that section. There has been a drifting down the valley and also a drifting up the valley to places not far from Eagle City, which would be under the jurisdiction of Eagle City.

Mr. LLOYD. Is there a town in the Yukon Valley with a population of 500?

Mr. GREEN of Pennsylvania. Towns are rather fleeting; sometimes they have 500 and 1,000 inhabitants, and sometimes 2,000. Perhaps a few weeks later they may not have more than 200, if a gold strike is made in some other locality.

Mr. LLOYD. The gentleman's idea is that wherever there happens to be a center of population there should be a court established?

Mr. GREEN of Pennsylvania. Wherever there is a population, wherever the miners drift in large numbers, it is absolutely necessary for the American's rights to have a court established.

I claim that the many thousands miles of country which makes up the great valley of the Yukon—although it may be sparsely settled—is entitled to have the same benefit of courts of a proper kind as we who live in more thickly populated districts. This court will be a roving one; it will be obliged to go where there is business to be done. The work will be arduous for the judge and court officials; their facilities for continuous work will be anything but favorable to dispatch of business.

The expense to litigants, if they had to go to Nome or Juneau, would be so great as to be a total denial of justice. Law and order could be preserved only by sufferance or by Judge Lynch.

Mr. LLOYD. Is it not true that this bill provides for a court in every such place?

Mr. GREEN of Pennsylvania. Oh, yes; such courts as the justice of the peace courts. You know what they will amount to in this sparsely settled country. The men selected as justices of the peace in Alaska would be worse than the men selected here by popular vote; and the gentleman knows how few are qualified to preside over a court of justice.

Mr. LLOYD. The justices of the peace provided in Alaska have full jurisdiction to the extent of \$1,000 in all civil cases, and have jurisdiction—

Mr. GREEN of Pennsylvania. That is right; they may have full jurisdiction if there is another court consisting of competent men to whom appeals may be taken.

Mr. LLOYD. I suggest that the duties devolving upon these

men and the interests depending upon their decisions are such that the very best men will be selected for the positions.

Mr. GREEN of Pennsylvania. The gentleman, by his remarks, shows that he has not given this question of the gold regions in any part of the world, let alone in Alaska, any study at all. There must be a court of appeals from these subordinate justices, who are made up of all sorts of men. Law and civilization and society are not there what they are here. There must be courts of appeal, of judges who are learned in the law, especially for the particular class of business that will arise there. That is the reason a third judge is needed—a man who is really a judge, not a man possessing merely the qualifications of a justice of the peace. Put an ordinary justice of the peace into a responsible legal position there, and he will completely fail to do the work.

Mr. LLOYD. There is now provision in this bill for appeals to the courts that the bill proposes.

Mr. GREEN of Pennsylvania. There ought to be, if there is none. I would move to amend the bill in that respect. The great necessity there is to have judges who are absolutely qualified to preside in cases which affect the property and other rights of the citizens living there. And this country, this big country, stands pledged to furnish what is necessary in this respect, even though it may cost a few thousand dollars.

I say that such a policy will save money in the end. Suppose a man is arrested at Eagle City and a United States marshal or marshal's deputy comes there and takes him a thousand miles away for trial. It will cost more to transport him to some place where he can be properly tried and, if found guilty, properly punished than to establish a court there—fifty times more, when we consider that witnesses will have to be dragged away from their occupations and follow the prisoner to the nearest court a thousand or more miles away.

Mr. GAINES. Have they not up there judges learned in the law?

Mr. GREEN of Pennsylvania. I do not believe they have now.

Mr. GAINES. I want to say that we had there a Federal judge so learned in the law that when an Indian slave made application to him he applied the Constitution of the United States and gave that man his liberty. I want to see men of that sort placed in judicial positions there. That judge said that the Constitution extended over Alaska, and gave that man his liberty.

Mr. LLOYD. I should like the gentleman's attention one moment further.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. GREEN of Pennsylvania. I yield, if the gentleman will ask a question and not make a speech.

Mr. LLOYD. This bill provides that the judges that will be provided by this amendment may hold court anywhere in Alaska.

Mr. GREEN of Pennsylvania. That is right and necessary.

Mr. LLOYD. The gentleman says that if a third judge be selected and put in office there, it will save money.

Mr. GREEN of Pennsylvania. Certainly.

Mr. LLOYD. Let me say to the gentleman that if you provide a third judge under the provisions of this bill he will receive a salary of \$6,000. In addition to that we provide for a United States marshal, with a salary of \$4,500; a clerk, with a salary of \$4,500; a district attorney, with a salary of \$4,000, and deputies for each.

Mr. GREEN of Pennsylvania. Suppose we do?

Mr. LLOYD. Thirty thousand dollars would be the annual expense of conducting that court; and that amount would transport a great many prisoners from Eagle City down to Nome.

A MEMBER. Why not transport the judge?

Mr. GREEN of Pennsylvania. That is the trouble. We must transport the judge around the country when the country is of that character. This judge who will sit at Eagle City will probably have to travel on circuits of 800 or 900 miles. In that country the mountain can not go to the judge; the judge will have to go to the mountain.

Mr. LLOYD. The judge at Nome City will, according to the provisions of this bill, hold only one term of court annually; and there is nothing to prevent him from going to Eagle City and holding another term.

Mr. GREEN of Pennsylvania. The gentleman insists on making his speech in my time; but I will answer his question so far as he has asked any. It will be found that the judge at Skagway and Juneau will have enough to do to take care of the work there. This is a new country; the land titles are new; there is and will be a great deal of business there. I see that the lawyers are rapidly drifting into that country. There is hardly a young lawyer to-day in the Eastern States who is not thinking of going there.

If I were free to do so, the first thing I would do after the close of this session would be to pack up my goods and go right up to Cape Nome. There will be a vast amount of litigation there; the titles are so unsettled there; there has been so much land grabbing. The yield of gold will be great and business active for some years at least. The Nome judge will have his hands full

from the organization of this court—without moving—and it is absolutely impossible, had he time, to in any way cover an appreciable portion of the territory making up the Yukon Valley. The refusal to provide three judges for Alaska means that you will leave the great Yukon Basin, one-half of Alaska, without a court of justice.

[Here the hammer fell.]

Mr. LACEY. Mr. Chairman, I think in examining this question too much attention has been paid to the number of the population and not enough to the area of the country.

The committee to which I have the honor to belong, the Public Lands, has spent a great deal of time in investigating the condition of affairs in Alaska, and I believe that three judges are none too many.

Let us suppose that we had one judge at Portland, Me., another judge at Washington, D. C., and a third judge at Bismarck, N. Dak., and that those three judges had to do all the business for thirty or forty thousand people living in the country from Portland, Me., by way of Washington, to Bismarck, N. Dak. Now, that is practically the situation with which we are now confronted in legislating for Alaska. The committee in the Senate provided for three judges; the committee in the House have done the same thing.

I am not very much impressed with the argument made by my friend from New York [Mr. PAYNE], that one judge would be enough for Alaska if the judge were located at Juneau. Of course the people at Juneau would be glad to have only one in the whole district of Alaska if that judge could be located at Juneau, so that litigants would be compelled to go there for the trial of their cases. But the proper method of legislating, so far as the judiciary is concerned, is to bring the court to the people and not to take the people to the court. And that applies with especial force in a country like Alaska, where the traveling must be either by water at heavy expense or on the ice with dog sleds. There is a great portion of the year when you can not get within 1,500 miles of Nome, because of the ice. It is a thousand miles, they tell us, from Juneau to Eagle City. Eagle City covers the interior portion of the Yukon country; Circle City, Rampart City, the Forty-Mile country. All of that region would go to Eagle City for its judicial work.

On the other hand, the mouth of the Yukon, the great Bering Strait region, would go to Cape Nome. Sitka and Juneau and the islands of southern Alaska would seek their court at Juneau. When you consider the magnitude of this country, when you consider the growth that is now going on, the vast multitude of people that are going in there, and who ought not to be compelled to resort to vigilance committees for their law, it seems to me there ought not to be any question but what three judges ought to be located in Alaska.

Mr. GAINES. What is the area of Alaska?

Mr. LACEY. Over half a million miles.

Mr. GAINES. If you have three judges they will have to travel about how many miles to hold court?

Mr. LACEY. They would have to travel over great distances, a thousand miles between Juneau and Eagle, and more than seventeen hundred miles between Juneau and Cape Nome.

Mr. LLOYD rose.

Mr. LACEY. I yield to the gentleman from Missouri.

Mr. LLOYD. Mr. Chairman, by the provisions of this bill there are to be two terms of court at Juneau and two terms at Skagway, and one judge at Juneau is to hold those courts.

Mr. LACEY. How far is it from Juneau to Skagway?

Mr. LLOYD. I was asked that question a while ago. I do not know, but it makes no difference, so far as the amendment is concerned, how far it is, because both the original bill and the amendment provide for the one court at Juneau. The judge is to live at Juneau and to hold two terms there and two at Skagway. Now, the second judge provided for—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHATTUC. I ask that the time of the gentleman be extended.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OTJEN] is recognized.

Mr. OTJEN. Mr. Chairman, I hope this motion to reduce the number of courts in Alaska to two will not prevail. I think that if Alaska is ever to need courts it needs them now. Gentlemen must remember that Alaska is a vast territory of great distances. People are pouring in there from all parts of the country. I see by the papers that at Cape Nome alone they expect this summer 50,000 people. It is not the thirty or forty thousand people who are located in the Territory permanently with whom the courts must deal, but they must deal with the people who are pouring in there this year. What is the object of a court? It is to maintain law and order, and if Alaska ever needs courts to maintain law and order it is while these people are pouring in there. While the great bulk of them are worthy and law-abiding people, yet with them will come all classes of characters to be dealt with. I

think it is poor economy to cut off the people of Alaska from the proper number of courts so that they may maintain law and order and protect life and property this summer.

Why, with the resources of Alaska, with its forests, its fishing interests, its mining interests, it is a Territory which will sustain a large population. If it is true that there is not sufficient work for three courts at present, that is only a temporary matter. There will soon be abundant work for three courts.

Gentlemen must also remember that those three courts are to do all the business of Alaska. There are no State courts such as we have in the States. The gentleman from West Virginia [Mr. DAYTON] and the gentleman from Missouri [Mr. LLOYD] say this bill provides that judges may appoint commissioners to have the power of justices of the peace. They propose to turn those people over to the administration of justices of the peace. Well, I have seen the administration of justice by justices of the peace, and I do not think I would want to turn any community in my district over to the sole administration of justice by them, nor do I think these gentlemen would do the same, and have the court of review a thousand or two thousand miles away.

Mr. Chairman, I desire to say a few words in respect to the remarks made by the honorable gentleman from Illinois [Mr. JAMES R. WILLIAMS] who spoke when this bill was last under consideration. He says that he opposes this bill because we have not provided for a Territorial form of government, because we have not given the Territory of Alaska a Delegate in Congress. I think an answer to that objection is that as far as I know the people of Alaska have not asked for a Territorial form of government. During this session of Congress many representative men from that district have been here, and I have failed to find one who has asked for a Territorial form of government or even asked for a Delegate.

If this bill is so seriously at fault in this regard, it seems strange to me that the gentleman representing the minority of the committee did not feel in duty bound to file a minority report recommending that a Territorial form of government be given to Alaska, or at least that a Delegate be given to the district upon this floor. The gentleman has not seen fit to do so. He says that in the few remaining days of this session it is now impossible to secure anything better than perhaps this bill. I think anybody reading his remarks will see that there is not so very much out of gear about this bill and that it meets the present needs of Alaska, considering existing conditions there, fairly well. My friend from Illinois saw an opportunity of making a political speech, and has done so.

[Here the hammer fell.]

Mr. OLMSTED rose and was recognized.

Mr. KNOX. I move to close debate upon this paragraph in ten minutes.

The CHAIRMAN. The gentleman moves that debate upon this amendment be closed in ten minutes.

Mr. DAYTON and Mr. HILL objected.

The CHAIRMAN. The gentleman does not ask unanimous consent, but he makes the motion.

The question was taken, and the motion was rejected.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized.

Mr. OLMSTED. Mr. Chairman, I believe it would be a matter of false economy to reduce the number of judges in Alaska from three to two. Probably the most effective speech made in favor of that proposition was the speech made by the gentleman from New York [Mr. PAYNE], which does not, however, seem to me convincing. He met the people of Juneau, who told him they were anxious to have the court located there instead of at Sitka. Of course they were. Of course they wanted a court. The gentleman from New York admitted that one was necessary there, and also that there ought to be one at Cape Nome.

Now, I call attention to the fact that the whole Klondike gold region, where business is most active, where litigation is most likely to arise, is located near Eagle City, or rather Eagle City is in the midst of that region, 800 miles, as the crow flies, from Juneau, and to all practical purposes as far from Juneau as San Francisco is from New York. It would cost at least a hundred and fifty dollars to carry a witness from Eagle City to Juneau, and to go and come would take nearly a month of time, while half of the year the route is practically impassable. The absence of a court at Eagle City or somewhere in that vicinity amounts to a practical denial of justice. I believe that in one year the expense of transportation of parties and witnesses and jurors from the Klondike region to Juneau would be ten times as much as the cost of maintaining a court at Eagle City, and I hope this amendment will not prevail.

Mr. DAYTON. Mr. Chairman, let me call attention to the fact that the record will always answer, or at least generally answer, a false position, if you can have the official figures. And this proposition proposes to have three United States district judges for a

litigation that includes 96 criminal prosecutions and 199 civil cases—no more and no less.

Mr. HILL. Pardon me; that is just the trouble; because of the lack of court facilities the trial of cases has not been brought.

Mr. DAYTON. I want to say to the gentleman that that proposition is as unsound as it can be, and every good lawyer on the floor of this House will recognize it as such. Courts are not established for the purpose of creating litigation.

Mr. LACEY. Then if there had been no judge in Alaska there would not have been any cases.

Mr. DAYTON. I can not answer you all at once. There can be no litigation in the courts where there are no people to litigate.

Mr. HILL. Why is it the United States Government found it necessary to establish another military district, and to put more troops there, except the lack of facilities to dispense justice? [Applause.]

Mr. DAYTON. Which do you prefer, military or civil courts? I prefer civil courts; but based upon the single proposition, as they have ever been, of the necessity therefor, as shown by its litigation, and if you were a lawyer you would know—

Mr. HILL. But there are some things that men who are not lawyers can know.

Mr. DAYTON. I will not yield to you further. There is no other reason for the formation of three courts except the establishment of three new offices. We are asked to look to the future of a country that is not here, and which should be fully cared for hereafter by the establishment of courts, when the population is there ready for them, and not before.

Mr. GREEN of Pennsylvania. Will the gentleman yield to me for a question.

Mr. DAYTON. I have not the time.

Mr. GREEN of Pennsylvania. I will move that your time be extended.

Mr. DAYTON. I will answer any question providing that I may have time. I say that the official record shows that on the 1st day of July, 1899, there were pending in the whole district of Alaska 96 criminal prosecutions and 199 civil suits. I say further that there is hardly a single district—I will not say that—but there are no more than 25 or 30 judicial districts in the States that can show that small quantity of litigation. It is absolute folly to talk about the area of the territory, sending a judge over a territory to hold court when there are no people there to litigate and no necessity for courts.

It is absolute folly to talk about this Congress establishing these judgeships for the future. A future Congress can provide for future judges when necessary. Look at the matter squarely and fairly, and there is but one excuse for this large increase of the judges. The gentleman from New York has stated that it was not asked for nor sought nor expected by the people of Alaska and that the increase was to establish an office that some one can fill. I will stand firm here as a member of this Committee on Revision of the Laws in protesting against that. I do not mean to cast any reflection upon anyone in offering that amendment, but I believe it right and in the interest of economy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAYTON. I ask that my time be extended.

Mr. HILL. We have had the testimony of one gentleman who visited Alaska last summer.

Mr. GREEN of Pennsylvania. He only visited a part of Alaska.

Mr. DAYTON. I made a reasonable request that I have a few minutes more.

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. KNOX. I move that the time of the gentleman may be extended.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent that his time may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DAYTON. I say, Mr. Chairman, that it has been the universal practice in all the States to base the number of courts not upon the territory alone, nor upon the number of people alone, but upon the necessity for litigation and the quantity of litigation. That was the object. Here is a United States court that has heretofore been almost without assistance in the way of commissioners to assist in the prosecution of crime and in the administration of justice. This bill provides for an ample, a full, and complete number of these commissioners to carry out and to enable the courts to carry out the law and its due administration.

But in addition to this increased number of commissioners, in addition to these increased facilities, the proposition comes here, in a situation where the litigation involves 96 criminal cases and 199 civil cases, to establish three judges in addition to all those other officers who shall assist in the administration of justice. And not satisfied with that proposition, this involves, gentlemen, the paying of these district judges an additional thousand dollars salary over that of any other district judge of the United States and provides by law that each one shall hold but one term of the

court, and that at specific places in this district. Of course it provides, if they deem it necessary, they can hold other courts.

Mr. OLMSTED. May I interrupt the gentleman there?

Mr. DAYTON. I yield to the gentleman.

Mr. OLMSTED. I understood you to say, and it certainly was stated by a gentleman on the other side of the Chamber, that there never had been any request for a judge.

Mr. DAYTON. That remark was made by the gentleman from New York, and I only quoted it. I have no personal knowledge of it, and I do not yield in order that you may correct that. You can do that in answering his speech yourself.

Mr. OLMSTED. I understood you to yield to me.

Mr. DAYTON. I did not yield for that purpose, because that remark was made, as I stated, by the gentleman from New York.

Mr. OLMSTED. I simply wanted to call special attention to page 57 of the report, stating that there was a request for two judges.

Mr. DAYTON. You can make that statement in your own speech. I simply say that the gentleman from New York when he visited these people said that they were not expecting and did not ask for this large increase of courts. I want to say further that this involves an increase of clerks, of marshals, of district attorneys, that makes almost the expense and cost of these courts equal to one-half the total revenue that is to be derived from the district of Alaska, according to the testimony given before our committee.

Here, then, is the situation. No man will stand on this floor and advocate a more liberal treatment of this district than myself when necessity requires it, but how can you answer the fact that your litigation does not require it? Your revenue does not require it. Conditions are changing. Your population is going to one center and then to another, and you can not legislate enough judges, as the gentleman from Iowa would seem to indicate, to cover this vast Territory. If you are going to do that and establish conditions similar to those existing in the United States, you would have to have fifty judges.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. HILL. Mr. Chairman, it is idle to bring forward the assertion that there should be no more courts established in Alaska because there are few cases brought before the court now existing. At Juneau last summer it was stated that they desired the establishment of more courts. This fact was stated: That with the judge located at Sitka, even for that short distance, infrequent communication by water made it very inconvenient for him to get from one place to the other. At the time I was there they told me that the judge had started on a revenue cutter to go 3,000 miles to hold another term of court, and the revenue cutter was sent specially to transport him up to St. Michael to hold court there.

Another thing. The captain of the revenue cutter told me it was impossible to enforce the United States laws in regard to fisheries. That may seem a small matter to gentlemen—

Mr. LLOYD. Does the gentleman think that the appointment of a third judge will prevent that trouble about the fisheries?

Mr. HILL. I will explain what I think about that before I get through, if the gentleman will permit me. The captain of the revenue cutter told me it was impossible to enforce the fisheries laws, and I want to say that Professor Brewer, of Yale College, formerly a geologist in California, told me that the fisheries in Alaska would ultimately be worth more to the United States than all the other fisheries of the world were to other nations.

This has been a neglected part of Uncle Sam's back yard, but the royalties on seals alone have been more than the \$7,200,000 which the United States paid for the Territory.

In the last few years we have shipped from Alaska 375,000,000 cans of salmon, and yet to-day salmon and other good food-fishes are being used to make oil and phosphates in violation of law, and there is no court in which to enforce the law.

If any gentleman will take a map of Alaska and look at the location of these three points and the distances between them, it ought to be sufficient to justify the establishment of new courts.

Mr. LLOYD. Is it not true—

Mr. HILL. I have but a few minutes, and can not be interrupted. Gentlemen talk about the migratory population. Gentlemen, coal miners are not migratory; copper miners are not migratory; oil miners are not migratory; iron miners are not migratory—and in every one of these industries this country is rich beyond the dreams of many of our people. People think it is an iceberg up there all the time, and yet every harbor of the Gulf of Alaska is open the year round, while the Potomac is frozen up. Transportation is being carried on there all winter up to Skagway and Juneau. Take Juneau, and it is a healthy, peace-loving, and law-abiding community, and there is nothing like it in the world. Without the power of voting, without the right to vote, they no ownership of land, without legal authority whatever, they hold their elections in an orderly way. They have a mayor, a common council, with streets paved with planking and sidewalks planked,

a chamber of commerce, a water system, electric lights—all maintained by the power of public opinion. That is the kind of people you get up there. They are the sifting of the world, and they will develop out of that country more wealth and more revenue for the United States than you will ever get out of Cuba, Porto Rico, and the Philippine Islands. [Applause.]

Can we not afford to give those people three courts at an expense of \$35,000? We have recently established a new military district there and sent there additional troops. If it is necessary to have additional troops there to preserve order, simply for the reason that they have not sufficient means of administering justice, why should we not provide such means? We appropriated a few days ago—how much?—two, three, or four hundred thousand dollars to connect these points by military telegraph.

[Here the hammer fell.]

Mr. GREEN of Pennsylvania. I ask leave to interrogate the gentleman from Connecticut before he sits down.

Mr. HILL. I ask unanimous consent that my time be extended for ten minutes.

There was no objection.

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Pennsylvania?

Mr. HILL. Yes, sir.

Mr. GREEN of Pennsylvania. Will not the judge who resides in Circle City be the only one who can reach the whole Yukon Valley?

Mr. HILL. Absolutely.

Mr. GREEN of Pennsylvania. Is not the Yukon Valley cut off from the whole southern part of Alaska by impassable mountains?

Mr. HILL. It is at present; but the United States Government is building a military highway; the troops are engaged in doing precisely that thing. All up through the Tananah Valley copper deposits are being found and exploited. That whole country is being developed. It seems to me puerile to object to an expenditure of \$35,000 for dispensing justice in that country, the extent of which is as great as from New York to Chicago, from Chicago to New Orleans, and around back to New York—five hundred odd thousand square miles of country, with a population constantly growing. In certain portions where placer mining is carried on the population is migratory, but the population of Juneau is not of that character. That town, with Douglas Island, has five or six thousand population. The quartz mining there is practically inexhaustible. The Director of the Geological Survey tells me that there are more than 300 square miles of quartz-bearing rock already developed by the Geological Survey in that region.

That is not a country of to-day; it is a country of the future. We have just passed a bill for the administration of government in the island of Porto Rico which will cost us from fifty to one hundred thousand dollars; and yet gentlemen here carp at an expenditure of \$35,000 for this whole empire of Alaska, on the ground that it is extravagant.

Mr. RIDGELY. The gentleman pays a high compliment to the people there and the degree of civilization which they have attained.

Mr. HILL. Why should not I do so? They are the siftings of the world.

Mr. RIDGELY. Does not the gentleman think that people who have got along so well thus far without courts can get along with such facilities as they now have?

Mr. HILL. They might get along without anything. They are not here begging for any favors from the Government. The greatest mistake, in my judgment, that this Congress can make is not to authorize a Delegate from Alaska, who can make known on this floor the wants and necessities of those people. We are spending millions in the way of troops and other expenditures in the Tropics. Life there is easy; it is not a struggle; and no life that does not demand a struggle is worth anything. One family up in Alaska will spend ten times as much as a similar family in Porto Rico, Cuba, or the Philippines. Gentlemen, there is the place for your expansion—up there in Alaska.

Mr. RIDGELY. Does not the gentleman think that there may be such a thing as too much governmental machinery inflicted upon a people?

Mr. HILL. I think there may be; but I do not think there is any such danger in Alaska with three courts 1,500 miles apart.

Mr. RIDGELY. The gentleman thinks they need the three courts?

Mr. HILL. I do. I think it will be a very serious mistake—a mistake which we would always regret—if we do not give those people the civil machinery which they need for the administration of their affairs rather than keep troops up there, at a far larger expense, to maintain order.

Mr. RIDGELY. One gentleman said that the people did not ask this increase of judges, but the demand came only from the few who are seeking offices.

Mr. HILL. We are sending troops up there now; we had better withdraw the troops and send courts.

Mr. RIDGELY. The honorable chairman of the Committee on Ways and Means [Mr. PAYNE] has told us that the people up there did not ask for these three judges, but have only asked for one.

[Here the hammer fell.]

Mr. LLOYD. Mr. Chairman, I concur with the view of the gentleman who has just taken his seat, that southeastern Alaska is a very important country and that its industries ought to be protected in every reasonable way, though I can not reach the conclusion which he reaches, that if we do not provide a court at Circle City, we thereby fail to provide properly for the needs of southeastern Alaska. By the terms of this amendment we provide two terms of court at Juneau, two terms of court at Skagway, and along in this country is where the important fisheries are located. If we wish to protect the fishing interest of Alaska, we fully protect them by the provisions of the amendment.

Mr. DAYTON. Will the gentleman allow me?

Mr. LLOYD. Besides that, there seems to be a mistaken idea with reference to the amendment. We do not change the term of court at Juneau or at Skagway or at Nome. We provide in the amendment exactly what is provided in the bill. There is no difference in this regard. Now I will yield to the gentleman from West Virginia.

Mr. DAYTON. I want to ask you if it is not a fact that, taking into consideration the magnificent distances of Alaska that have been dwelt upon, it would require twenty, thirty, or forty judges to cover the country in the same way that similar distances in this country are covered?

Mr. GREEN of Pennsylvania. That is not an argument for not giving them three judges.

Mr. LLOYD. The gentleman's remark is probably true, but there is something else with reference to this matter which I wish to call attention to. According to the provisions of the amendment, there will be one court at Nome, as provided by the bill. There is no difference between the bill and the amendment in that regard. The judge who holds that one term of court at Nome can go from Nome, after holding his term of court there, up the Yukon Valley, and hold his term of court at Eagle City, if it is necessary to be done.

Mr. TONGUE. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. LLOYD. Yes.

Mr. TONGUE. Will the gentleman tell me how the judge at Cape Nome would ever get to the Yukon Valley six months of the year when navigation is closed?

Mr. GREEN of Pennsylvania. If you can answer that question, I will vote for your amendment.

Mr. LLOYD. How does he get up the Yukon Valley at any time? When navigation is open the judge can go up the Yukon Valley the same as anyone else can.

Mr. CUSHMAN. I will tell you how he gets there, if the gentleman will yield.

Mr. GREEN of Pennsylvania. Every person who has been over this route will tell you that the judge can not get from Cape Nome to Circle City six months in the year at all.

Mr. LLOYD. I only yielded for a question. Suppose that is true. If the argument of the gentleman means anything, it means that there are about six months in the year when you can not go from Juneau to Nome City, and because you can not get from Juneau to Nome City, therefore there ought to be a court established at Nome.

Mr. GREEN of Pennsylvania. Certainly, that is a reason, and there is one established at Nome by this bill.

Mr. LLOYD. We do not object to the establishment of a court at Nome, but we do insist that nothing is presented which shows the necessity for establishing a court at Circle City, or Eagle City, or any place along the Yukon Valley.

Mr. HILL. If your contention is carried, how much money will you save?

Mr. LLOYD. About \$30,000 a year.

Mr. HILL. The chairman of the committee says the whole thing will not cost more than \$36,000. What do you say to that?

Mr. LLOYD. Well, let us make a little calculation. This bill provides for three judges at \$6,000 a year.

Several MEMBERS. Five thousand dollars a year.

Mr. LLOYD. Mr. Chairman, I concede that the House committee recommend an amendment to the effect that \$5,000 shall be the salary, but how do we know that this House is going to adopt the amendment of the committee? The bill before us provides for three judges at a salary of \$6,000 each. It provides for three clerks at a salary of \$1,500 each. It provides for three United States district attorneys at a salary of \$4,000 each, and it provides for three United States marshals at a salary of \$1,500 each.

Mr. WARNER. Will the gentleman allow me? I ask him if he will not discuss the salaries fixed by this bill?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BARTLETT. I ask that the time of the gentleman be extended.

Mr. GREEN of Pennsylvania objected, but subsequently withdrew his objection.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection.

There was no objection.

Mr. LLOYD. I yield to the gentleman from Illinois [Mr. WARNER] for a question.

Mr. WARNER. I will simply suggest that in quoting salaries you quote the salaries recommended by the bill now under consideration, and you will find that the gross amount per year will not be more than the gentleman from Connecticut [Mr. HILL] suggested. Instead of \$6,000 a year for the judges, the salaries are \$5,000 a year, and instead of \$5,000 a year for the marshals, the salaries are \$3,500 each. Instead of \$4,500 for the clerks, the salaries are \$3,500.

Mr. LLOYD. It is not necessary to go through that. I conceded that the House committee had recommended to this House a reduction in those salaries, but I specifically stated that those amendments had not yet become law.

Mr. BARTLETT. You spoke of the bill.

Mr. LLOYD. I speak of the bill as it presents itself to this body. By that bill the salaries amount to \$67,500, and in addition to that the bill provides for ten commissioners with salaries of \$1,200 each, which makes \$12,000 a year, and that, added to these other salaries, makes \$79,500. In addition to that, this bill provides for deputies to be appointed in each one of these cases, and when you add the expenses of the deputies you will make about \$110,000 a year as the cost of this establishment.

Mr. WILLIAM E. WILLIAMS. Besides the fees.

Mr. LLOYD. Besides, there are a large number of fees provided for the commissioners, deputy marshals, and clerks.

The only argument that has been made thus far in this matter has been with reference to the importance of Alaska, and not with reference to the necessity for the third judge. I concede the importance of southeastern Alaska and its great interests, and I know that this country ought to be more concerned than it has been in protecting and developing those interests in Alaska; but those interests are not protected and developed by the establishment of a third judge.

Now, it is insisted that we ought to legislate for the future. I concede that to some extent legislation is for the future, but your duty and mine is to legislate for the present, and there is no demand for more than two terms of court for the present. If it is necessary for the establishment of justice and for the accomplishment of the best results for those people, we may establish a third judge at some other sitting of the Congress of the United States. [Here the hammer fell.]

Mr. MONDELL. Mr. Chairman, we are providing judges for 500,000 square miles of territory. The bill presented to the House recognizes the three great geographical divisions into which Alaska is divided by nature, namely, southeast Alaska, with its enormous length of coast lines, its almost innumerable islands, its great industries; arctic Alaska, along the Yukon, and western Alaska, along the Bering Sea. These three regions are as remote from each other as though they were separated by a continent.

It has been stated by gentlemen who spoke here to-day on this subject that the people of Alaska have not asked for more than one judge. I was in Alaska last year—in southeast Alaska—and it is true that the people of Juneau only ask for one judge.

Mr. HILL. And they wanted that one judge there.

Mr. MONDELL. Very naturally the people of southeast Alaska feel that their region is all of Alaska, and should continue to be the important part of Alaska. They are perfectly willing to have litigants from the Yukon and from the Nome country, come at an enormous expense, the great distance which would be necessary to have their cases tried at Juneau.

Mr. KING. Will the gentleman permit an inquiry?

Mr. MONDELL. Very gladly.

Mr. KING. Does not the gentleman, with his experience in a Territorial form of government, with the multitudinous interests which present themselves in the West, believe that there is not the slightest necessity for the establishment of such a big judicial system as that which is contemplated by this bill? In other words, do you not think that two judges could perform all the work of the court in the district of Alaska?

Mr. MONDELL. Mr. Chairman, replying to the gentleman, I would say that I believe it is utterly impossible for two judges to take care of the business that should come before the courts.

Mr. KING. Another question.

Mr. MONDELL. I hope the gentleman will not interrupt me.

Mr. KING. Well, another question, and I will desist. Does not the experience in Alaska in the past demonstrate that two

judges will be more than adequate to perform all the duties incident to their position?

Mr. MONDELL. So far as my experience goes, I emphatically say "no." It costs from \$175 to \$350 to get one witness from anywhere on the Yukon to any point on the coast of Alaska and back. Under the amendment proposed poor miners who have located claims in the Yukon Valley must bring their cases, at a cost far beyond their means, to the coast cities to be tried. It simply makes it impossible for a man holding a claim on the Yukon, having a legal controversy with other claim owners, to have his case tried. The great cost of bringing witnesses such a distance and at a great cost precludes the ordinary citizen the possibility of having his case brought before a court.

Mr. GAINES. What is the trouble in getting this small docket tried—and it is evidently a small docket by what the gentleman from West Virginia said—by two judges instead of three judges?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I hope the time of the gentleman will be extended.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I would say to the gentleman from Tennessee that the poor mine owners in the Yukon Valley have not brought their cases to court because of the extreme cost of bringing witnesses down or up the Yukon, across the passes, and to the court on the coast.

Mr. GAINES. Now, that is the case where there is but one judge; but where there is another judge, and the court is to be allowed to travel and hold court where he pleases, what then?

Mr. MONDELL. It would be impossible for a judge to hold court on up the Yukon and attend to the business in southeast Alaska. Remember that the seasons there are exceedingly short—not over three or four months in the Yukon country—in which a court could be held, during which time witnesses could be brought before the court; and therefore the terms for the Yukon court must be held during the summer months, during the time the court would naturally and properly be held at Juneau to dispose of cases arising in southeast Alaska.

Mr. LLOYD. The bill provides for a court at Nome. It is not necessary to go southeast in order to reach that. This judge at Nome has migratory jurisdiction, and he might go wherever it is necessary.

Mr. MONDELL. The gentleman's suggestion rather indicates that he has not studied the geography of the country and the conditions there.

Mr. GAINES. What is the area of Alaska, and how far has this judge traveled that has been holding court there?

Mr. MONDELL. I have stated that Alaska contains over 500,000 square miles, and the present judge has traveled tremendous distances and has not been able to hold court at such times and places as the business of the people and the interests of the Government demanded.

Mr. GAINES. Why?

Mr. MONDELL. Because it has been impossible to cover the immense territory and hold terms of court when they should be held.

Mr. GAINES. A geographical trouble.

Mr. MONDELL. A very great portion of the year it is impossible to get from Juneau to the Upper Yukon, except at great cost of time and comfort. The gentleman from Missouri suggests that there is to be a court at Cape Nome. Well, it is extremely difficult to get from Cape Nome to the Upper Yukon during six or seven months of the year, as the gentleman probably knows, and therefore there would only be four or five months of the year during which it would be possible for people in that upper region to get to court at Nome.

It is from five to twelve days' travel from any one of the points at which this bill establishes courts to either of the others, and still the gentlemen by their amendment would refuse the paltry sum required to pay the salary of a judge and render it impossible for an ordinary claim holder on the Upper Yukon to have his case tried. I think these people who have gone into that frozen country and taken their lives in their hands have a right to demand, and deserve, proper treatment at the hands of the American Congress by having this additional judge, which they ask for and whose services they require.

Mr. CUSHMAN. Mr. Chairman, I happen to reside nearer the district of Alaska than any other member on this floor. The close commercial relations existing between the State of Washington and the district of Alaska cause me to have a direct interest in the welfare of the people of Alaska. But the principal interest I have in this measure is not measured by the commercial interests of my own State, but a feeling of regard and justice to the citizens of Alaska.

I have been in the district of Alaska, and while I am not intimately acquainted with all the conditions there I know enough of conditions there to know that they need at least three judges, and any less number would be a serious inconvenience and embarrassment to them.

In the first place there are three separate and distinct subdivisions of Alaska; separated from each other by the barriers of nature; each of them very nearly inaccessible from the other during a great portion of the year. Let us, therefore, deal with this question as a whole and not with any of the segregated parts. The gentleman from Missouri [Mr. LLOYD] has laid a great deal of stress upon the fact that if one of the three judges is dropped from the bill that the remaining judges will be sufficient to take care of the interests in southeastern Alaska. The title of the bill is "A bill providing a civil government for Alaska," not "A bill providing a civil government for southeastern Alaska."

I would like to ask the gentleman whether the law of his State provides for all the interests of all the people who reside in the State or only those who live in the southeastern corner of the State? The gentleman said one judge was enough to take care of the business in southeastern Alaska, and then in the next breath he said that the judge could go from southeastern Alaska and hold court elsewhere. Well, if that one judge went away about 1,700 miles, who would be taking care of the business in southeastern Alaska till he returned? I do not understand that the judges who are to be appointed under the provisions of this bill are to be endowed with ubiquity in addition to their salary.

The gentleman from New York [Mr. PAYNE] said that while he was visiting Alaska none of the inhabitants importuned him for additional judges. That may be. They did not talk to me about much of anything else from the time I arrived until I departed, except their great need for more courts.

One gentleman in this debate has referred to the fact that the court records of Alaska show that during the past few years there have been but few lawsuits commenced. Well, if they had not had any judge, there would not have been a single lawsuit.

The fact that few lawsuits have been commenced under prevailing conditions which rendered it almost impossible to secure a trial after the suit was commenced is no argument that there was no cause for litigation or no need for an adequate judiciary. I know it to be absolutely true that many persons in that district sacrificed their legal rights rather than begin a lawsuit which would never be determined. When a judge at last does get around to the place of trial in that district after months or years of waiting to try the cases on the docket, he usually finds the witnesses scattered, the property destroyed, and the litigants at peace—dead.

I wish also to impress upon this House that if the three judges provided in this bill are allowed to the people of that district that this is practically their only judiciary. They are not situated as the States and Territories of this Union are, with many inferior judges whose labor supplements that of the higher courts.

Here is a district that covers a half a million square miles; so large that if one corner was placed at Chicago and the width of Alaska extended eastward from that point it would reach out into the Atlantic ocean; that if it was extended south from Chicago it would reach the Republic of Mexico. And mind you, this vast area is not to be compared with an equal extent of the American domain lying in the States and Territories, because the States and Territories are seamed with railway lines and all the modern methods of rapid travel. This vast district has no means of transportation except along the coast and the rivers; seamed with chasms and ridged with impassable mountains; frozen up eight months of the year. These are the conditions that you must take into consideration when you legislate for Alaska.

In addition to that, the questions of litigation which are to come up in that district this summer are to be very intricate. There are something like 15,000 people now headed for Alaska, and many on the beach at Nome.

The problems there presented regarding the ownership and rights of mining on the beach are so difficult that the great body of the members of this House hold conflicting opinions regarding that subject. Therefore the questions at Nome will take up the consideration of one judge during the entire summer, and it is impossible for that judge to go anywhere else. It is also impossible during any considerable portion of the year for that judge to get from Nome up along the river, even if he had the time to go. If we place one judge at Nome, another at Juneau, and a third at Eagle City on the Yukon, we shall perform a simple act of justice and nothing more.

I am a little bit surprised that there should be an attitude on the part of any member of this House to claim that we are dealing extravagantly with the people of Alaska or forming an extravagant judiciary system up there.

It is also contended that the people of Alaska do not deserve to have so much money spent by the Federal Government in furnishing them a judiciary. God knows the magnitude of the amount that the United States Government has spent in Alaska heretofore

ought not to keep anybody awake, for if there was ever in our history any portion of our country neglected so shamefully as Alaska I do not know where it lies.

Under the revenue laws of the United States heretofore and now existing, regulating affairs in Alaska, large license taxes were laid by the Federal Government on all the industries of Alaska. The revenue which was thus drawn from the district of Alaska by means of those licenses was not paid back to the people of Alaska for schools and internal improvements, but was covered into the Treasury of the United States. Yet the people of Alaska paid those taxes according to the letter of the law, unjust as they were. And while the Government taxed them on the one hand and kept the revenue thus derived, the people of that community voluntarily taxed themselves on the other hand to build schools and public and municipal improvements.

If there is any man in this Chamber who thinks the expense for these three judges is an extravagant charge upon the Government for the benefit of Alaska, he can calm his troubled conscience by balancing a part of this expense off against the unjust and extortionate license taxes which the Government has been levying on Alaska. Yet the people of Alaska paid those license taxes uncomplainingly and without a murmur. When I was there last summer, I said to them that I believed that this Congress would deal generously with them, because they had evidenced such patience and good faith toward the Government.

Mr. THROPP. The gentleman has stated that according to his estimate the population of Alaska this year will be possibly 100,000.

Mr. CUSHMAN. Over that—120,000.

Mr. THROPP. And that the men going there are nearly all of them Americans.

Mr. CUSHMAN. Yes, sir.

Mr. THROPP. And they are going there to develop the wonderful mineral resources of that region.

Mr. CUSHMAN. Yes, sir.

Mr. THROPP. Which will be a source of wealth and benefit to the whole country.

Mr. CUSHMAN. Yes, sir.

Mr. THROPP. Now, what does the gentleman estimate will be the total cost of three courts, the one already established and these two additional courts?

Mr. CUSHMAN. Something like \$50,000.

Mr. THROPP. Put it at the highest figure.

Mr. CUSHMAN. Say \$55,000.

Mr. THROPP. And it is estimated that nearly every man who goes there does so for the purpose of taking possession of a part of that Territory, developing a part of the resources of that country, and therefore will have to secure to himself a proper title to his property, by reason of which there will be a great deal of legislation.

Mr. CUSHMAN. Certainly.

Mr. THROPP. And this is about all they ask—that we protect them in their titles. They do not ask us to build schools or anything of that kind—nothing more than the building of a military road.

Mr. DAYTON. Why should there be any danger of litigation in regard to the titles which the United States Government affords to its citizens? Why should it be assumed that there will be much litigation on the part of these very respectable people who go there as law-abiding citizens?

Mr. CUSHMAN. Why should there be a presumption that there would be any litigation out in Colorado over the mining property there; yet such litigation exists, does it not?

Mr. DAYTON. Let me ask the gentleman this question: Are there anywhere else in the United States 125,000 American citizens who require three Federal judges?

Mr. CUSHMAN. There are not 125,000 American citizens anywhere else whose situation and condition is to be compared with these.

Mr. HILL. I want to answer that question.

Mr. DAYTON. I have not the floor and can not answer the gentleman.

Mr. HILL. I want to correct the gentleman. One hundred thousand people in Alaska represent, as compared with any other community, about three hundred thousand, because most of them at present are men; they are there without families.

Mr. DAYTON. Did I understand the gentleman to say that one man in Alaska is worth three times what a man is worth anywhere else? [Laughter.]

Mr. THROPP. As a rule the men going there are energetic, anxious to develop that territory. They go there under the same conditions and with the same spirit with which miners go into other regions; and the experience of the past has been that there is apt to be more litigation among that class of men, each seeking to obtain for himself the most valuable tract he can, than among other classes of citizens.

Mr. CUSHMAN. Unquestionably.

Mr. THROPP. But all they ask is this appropriation for the

courts. They are our own citizens, occupying a territory which has possibly twelve times the area of the State of Pennsylvania, and with very meager means of communication. We have appropriated two millions out of the revenues of the people of Porto Rico to be expended for the benefit of those people. These citizens in Alaska ask only that \$55,000 be expended for their benefit.

Mr. CUSHMAN. To the gentleman from West Virginia, who has interrogated me, I desire to say that there has been a disposition on the part of some gentlemen who have opposed this bill to refer continually to the number of people in Alaska. Sir, this is not a question dealing simply and solely with the number of people. The United States Government once fitted out an expedition at an expense of hundreds of thousands of dollars to rescue a few American citizens who had ventured too far into the frozen north. It was not a question then of the number of people involved, but it was the pressing need of those who were there. I am not asking this Government to fit out any relief expedition to the polar regions, but I do ask that you deal fairly and generously, if need be, with the hardy sons of America who have pressed away to the north and made Alaska one of the most valued of our possessions to-day. [Applause.]

[Here the hammer fell.]

Mr. TONGUE. Mr. Chairman, if we may judge the future by the past we ought to legislate for some time ahead. It has taken the people of Alaska something like thirty years to get any sort of recognition from the Government; and if it is to be thirty years more before we pass another bill of this kind, we should make provision for the future.

Something has been said with reference to the character of the population of Alaska. The impression too generally prevails that people who go westward, who emigrate to the "wild and woolly West," are rough, uncouth, only partially civilized. Now, I want to call attention to the fact that in one of the towns of Alaska, Juneau, there are more college graduates than in any other town of its size in the whole United States.

I wish to state further that while I was in Skagway, when talking with the superintendent of the railroad that was being constructed there, I was informed that there were nowhere in the civilized world as intelligent, as peaceful, as sober a class of people working upon a railroad as were employed upon the railroad in the vicinity of Skagway. The class of people who go to Alaska are the very best there are in the United States. They are the young men of energy, of intelligence, of brains, culture, and push, who are going out to build up the country, and we are getting the benefit of it.

During the last two or three years there has been more money expended by those people, to say nothing of life and health, than has been received in return; and the benefit has come to the people of the United States, by reason of the increased circulation and increased business to those who have stayed at home. We ought not to be parsimonious with these men who are going out into that kind of climate and taking that sort of risk. We are wasting more money in the time occupied in the discussion of this question than we will save by denying justice to that class of people. [Applause.] The pitiful sum that would be saved by depriving them of a proper judge, and appointing additional justices of the peace, would not pay anything like the expenses that would be necessitated by appeals from courts whose decisions would be respected by no one.

Now, there are some things that it seems to me we are overlooking on this question. Conceding that the southern portion of Alaska would be provided for in this bill, even by the amendment; conceding that the Nome region would be properly provided for by this amendment, there is the large Yukon Valley, some 1,500 miles in length, containing immense riches and resources, that will be absolutely without justice and without protection of any sort or kind. I can not accede to the statement of the gentleman from Missouri [Mr. LLOYD] that the people in the Yukon Valley can communicate with Nome at any season of the year. I know better. There are at least seven months of the year that they could not reach Cape Nome and could not reach a judge, and that a judge could not reach them.

You take those people who are trying to take up mines, trying to determine questions of title to claims, their hands will be tied by force of wealth, and they will be unable to reach Nome for seven months of the year. But supposing they could. Supposing an action to be commenced in the Cape Nome court to determine the right of title to a gold mine that is being worked in the Yukon Valley. What man can afford to take the witnesses and take himself and take lawyers on a journey of 1,500 miles that will probably occupy him two or three months, to go to try his case?

He can not afford to try the case. He will not try his case. He will submit, or he will try it with a shotgun, and that is the kind of law that the gentlemen urging this amendment are trying to enforce upon some of the best and most self-sacrificing and energetic people in the United States. It is the law of the shotgun; it

is the law of a want of civilization; it is the law of barbarism instead of American justice that you are trying to force upon the people fourteen or fifteen hundred miles from where you propose to locate their courts. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TONGUE. I should like two minutes further.

Mr. KNOX. I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended two minutes. Is there objection?

There was no objection.

Mr. TONGUE. Something has been said to the effect that these people do not want the additional judge. The people of Juneau probably do not; but I want to say that I have numerous friends and acquaintances in that Territory. I have received numerous letters from people in that Territory. I have talked with people who live there while visiting Alaska, and nine out of ten have asked more for courts of justice than for anything else. It is the one thing they do need. Oh, yes, they will get along without it. They have got along with absolute neglect. They have been practically outcasts so far as the Government has been concerned for thirty years, and they have gotten along. They have developed the country and explored its wealth.

They have risked their lives and lost them. They have risked health and lost it. But there is no reason why we can not afford some measure of justice to people who are among the best citizens of the United States. I am sorry to see such a spirit of parsimony in this House to-day. I am sorry to see, after a denial of justice for thirty years, that the House of Representatives of the American Congress should quibble over the few thousand dollars needed to protect the lives, health, and property of some of our citizens in that Territory.

Mr. OLMSTED. I call the gentleman's attention to the fact that as long ago as 1898 the people of Circle City, as recorded in the report of the Director of the Mint for that year, were clamoring for courts in that region.

Mr. TONGUE. They ought to have them. Now, one further question. Something has been said about the dockets of that court. The dockets are small. There are reasons for it. One of my neighbors who moved to Alaska told me he paid an unjust bill of \$300 in Skagway—absolutely a piece of blackmail—because he could not afford to hire lawyers and witnesses to go to Juneau to defend it. The wealthy alone can afford to have justice. It is too costly for anyone else.

[Here the hammer fell.]

Mr. NEWLANDS. Mr. Chairman, the gentleman from West Virginia inquired of the gentleman from Washington how it was that there could be much litigation in the Territory of Alaska when the fact was that the United States Government was the source of all titles there. The question of the gentleman indicated to my mind that he has but little familiarity with what are known as the mining regions. There is not a man who is familiar with that region who does not know that in Arizona, California, Colorado, Utah, Nevada, Montana, Idaho, and other States in that region—

Mr. TONGUE. Everywhere except in the thirteen original States—

Mr. NEWLANDS. The source of title is in the United States Government, but the litigation over mines reaches stupendous proportions, not only in the amount involved, but in the number of cases which arise. That is inevitable in a new country. Hundreds of thousands of dollars are spent sometimes in one case. In this great mining region it is true that there is not likely to be much litigation over agricultural lands, but the case is entirely different with reference to mining claims, which also have their source of title in the Government. Differences arise over locations. Differences arise as to conflicting ledges. Differences arise as to whether the party making the location has done the amount of work required under the law, and such cases become stupendous in their character, as the value of the mining location is established. The water rights also involve immense litigation. I have not the slightest doubt that in Alaska, within the next one or two years, a single case will arise that will absorb the entire time and attention of a court of from three to six months. In these suits expert testimony of the highest scientific character from all parts of the world is obtained.

[Here the hammer fell.]

Mr. GAINES. I have listened with a great deal of care to what has been said by the gentlemen who have reported this bill, as well as by outside speakers, and I regret that they have not put a little more geography into their remarks, so that we could know exactly where these cities are, if they do exist, and their relative position to each other. It is evidently a case of the judges being unable to cover the Territory. They have been able, so far, to attend to the dockets fairly well. For instance, the gentleman from West Virginia [Mr. DAYTON] states that on the 1st of July, 1899, there were 96 criminal cases and 199 civil cases on the docket.

There is a larger docket than that, I dare say, in almost every city in my State or any other State in the Union.

Mr. TONGUE. Will the gentleman let me ask him a question?

Mr. GAINES. Yes.

Mr. TONGUE. Does the gentleman think there is likely to be much business coming from northern Alaska when it would take the marshal probably six weeks or two months to serve a summons, and then the defendant could not be able to make his answer until another year, and it would perhaps cost him \$3,000 apiece for the mileage of his witnesses.

Mr. GAINES. Your whole speech a few moments ago was made upon the idea that you want three judges. It is the judges the gentleman seems to want. Such cases as you allude to can be tried by justices of the peace or the Federal commissioners.

Well, now, I tell you I want to see them have two judges, and say that they shall hold the court at such and such places as we now see is necessary, and be empowered to hold it at any other places the public welfare requires. Now, the amendment of the gentleman from Missouri provides that the judges can hold courts as often as they please, wherever they please, in addition to holding them regularly at certain places stated by the law, and at such places, as the gentleman from Illinois informs me, as the Attorney-General may require, for criminal prosecutions.

Mr. TONGUE. Will the gentleman answer me this question?

Mr. GAINES. Certainly.

Mr. TONGUE. The gentleman from Missouri and myself differ as to the judge of the court being able to go from Cape Nome to the Yukon Valley in one season.

Mr. LLOYD. I beg the gentleman's pardon.

Mr. TONGUE. There are eight months of the year that he can not get there at all.

Mr. LLOYD. You misstate my position.

Mr. TONGUE. Then I misunderstood the gentleman.

Mr. LLOYD. I did not claim you could go up the Yukon valley any time of the year. I do not understand the fact to be that you can go up the Yukon valley in a boat or a craft any more than six months of the year.

Mr. TONGUE. About four. Now the question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I hope I may be given five minutes more. I have been interrupted, and I really want to get at the facts.

The CHAIRMAN. The gentleman asks that his time be extended two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TONGUE. Now, the question I desire to ask the gentleman from Tennessee is—

Mr. GAINES. If I do not cover your proposition then you may ask me. You have asked me several and I have answered them.

A MEMBER. Can you tell me if it is possible to get from Cape Nome to the Klondike from the 1st of October to the 1st of June?

Mr. GAINES. I do not know. Somebody said something about the land. Let us get at the area. The World Almanac of last year states the area, including the area of land and water, is 577,390 miles. The "extreme breadth" in miles, including the water, is 800; the "extreme length," including the water and land, 1,100 miles. Now, let us take the State of Oregon, and see the extreme length of that State. The extreme length of that State is 260 miles, and the extreme length of Alaska is 1,100 miles; so we can get at the length of Alaska by comparison with Oregon. That is about four times in the length.

Now, Mr. Chairman, for a long time they have had only one Federal judge, and yet he has covered this territory so completely and absolutely satisfactorily, so far as the judiciary of this country is concerned, that this small docket of 96 criminal cases and 199 civil suits is a rich reward of his industry.

Mr. WARNER. Mr. Chairman, I will occupy the attention of the committee for a few minutes and then move that the debate on this section be closed.

I think it would be a serious mistake if this committee should adopt this amendment. I believe that three judges are absolutely necessary and should be provided. We will take up the territorial area of Alaska, not including the shoal waters, as suggested by the gentleman from Tennessee, but the actual land inclosed within its boundaries.

The area of Alaska, in the number of square miles, exceeds the area of Maine, Vermont, Connecticut, New York, Maryland, New Jersey, West Virginia, South Carolina, Florida, Mississippi, New Hampshire, Massachusetts, Rhode Island, Pennsylvania, Delaware, Virginia, North Carolina, Georgia, Alabama, and Tennessee. Instead of being 1,000 miles long, it is 2,250 miles from one end of it to the other. Instead of the country decreasing in population, it is really constantly increasing. What it is now is simply a fraction of what it will be next year, or five years from now. It is the richest mineral country in the world. The hills have simply been scratched.

The sands and creeks yield up gold in unlimited quantities, washed down from the quartz. Every town in Alaska, instead of

decreasing in population during the last twelve years, has increased. I was there twelve years ago, and again last summer, and every town I touched the second trip, with the exception of Sitka, had doubled or trebled in population. It was so at Wrangle, Juneau, and other of the old towns on the coast, and new towns had sprung up—Skagway, Dawson, Eagle City, etc.

A great many people have gone up there, and everyone who has given the matter intelligent consideration knows they have gone with great eagerness to work where everyone enters into the fierce race for wealth, and they have property and personal rights which they want protected. As it is now, they have but one judge located down in Sitka. The poor man, the laboring man, with limited means has absolutely no remedy at all. If I were the owner of a Unalaska mine and owed a laborer \$500, I could snap my fingers at him. The only way he could recover would be to go before the court in the town of Sitka, 2,000 miles away, and take his witnesses with him. If he should sue me before the commissioner and get a judgment, all I should have to do would be to take an appeal, and that would be the end of that litigation.

The laboring men out there want these courts in order that they may not be defrauded of their rights, and in order that they may have speedy justice. You can make only one trip a year to many parts of Alaska, settled and populated at this time, from Juneau or Sitka. This bill proposes to make three seats of justice—at Nome City, at Eagle City, and Juneau—which can be reached with some degree of ease, and it would be a misfortune if these three judges were not provided. The total cost of all three divisions of the courts, including the one now in existence, would amount to only \$56,000 under this bill.

The income from licenses alone in Alaska under the first year of the criminal code amounted to \$163,000. The question of expense ought not to be taken into consideration. We want not only to give this Territory courts convenient, where they can have speedy justice, but to protect the lives and the peace of the community. Mr. Chairman, I move that the debate on this section be now closed.

Mr. GAINES. I hope, Mr. Chairman, my friend from Illinois will answer me one question; he said he would.

Mr. WARNER. With pleasure.

Mr. GAINES. The gentleman said something about the length and breadth of Alaska which does not agree with this World's Almanac, which says the figures are taken from the census. Will the gentleman give the area and the extreme length and breadth of the Territory?

Mr. WARNER. That question can be easily settled by turning to the geographical survey and the map. I have here a report from Alaska, taken from the governor's report, which gives the area of Alaska, in square miles, as 579,890.

Mr. GAINES. This gives it as 577,000. But how about the breadth?

Mr. WARNER. I think it is 800 miles or more from Eagle City to Nome City.

Mr. GAINES. This says the extreme breadth, including water, is 800 miles, and the extreme length, including water, is 1,100 miles.

Mr. WARNER. What do you mean by "including water?"

Mr. GAINES. Well, that is what it states. I suppose water courses within the Territory.

Mr. WARNER. Well, that means creeks and rivers. From Circle or Eagle City in a straight line as the crow flies it is about 800 miles to Nome City. That is directly across the land. There is no water included except the rivers, and this route is impassable eight months of the year.

A judge, in order to hold court at Juneau, Nome, and Circle City, would have to make a journey of over 4,000 miles, and he could not do that except in summer; and if he made the trip, he would have little time to hold court. Now, we have no railroads in Alaska as we have in the United States. There are only 42 miles of railroad in Alaska, and a journey has to be made on foot, in a canoe, on mules, or on snowshoes.

Mr. GAINES. Nevertheless, in all this district one judge has kept the docket down to 96 criminal and about 199 civil cases—

Mr. WARNER. Of course. If I were at Unalaska, I would lose a thousand dollars before I would bring a suit at Sitka, because if I took my witnesses down there I should lose at least \$2,000 in time and fifteen hundred dollars in cash.

Mr. TONGUE. I would like to ask the gentleman a question.

Mr. WARNER. Certainly.

Mr. TONGUE. Would not the traveling expenses of a judge from Nome to Circle City to hold a term of court there amount to more than the salary of the judge?

Mr. WARNER. I think it would.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois that debate on the amendment be closed.

The motion was agreed to.

The CHAIRMAN. The question now is on agreeing to the

amendment offered by the gentleman from West Virginia [Mr. DAYTON], which the Clerk will report.

The Clerk again read the amendment.

The question was taken; and on a division, demanded by Mr. DAYTON, there were—ayes 42, noes 57.

Mr. DAYTON. Tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers Mr. KNOX and Mr. LLOYD.

The committee again divided; and the tellers reported—ayes 59, noes 63.

So the amendment was disagreed to.

The Clerk read as follows:

The judge designated to preside over division No. 2 shall reside at St. Michael during his term of office, and shall hold at least one term of court each year at St. Michael, in the district, beginning the third Monday in June.

The amendment of the committee was read, and agreed to, as follows:

In lines 16 and 18, on page 5, strike out "St. Michael" and insert "Nome City."

The Clerk read as follows:

The judge designated to preside over division No. 3 shall reside at Circle City during his term of office, and shall hold at least one term of court each year at Circle City, in the district, beginning on the first Monday in July: *Provided*, The Attorney-General may for cause change the place of residence of the judge of either division of the court.

The amendment reported by the committee was read, and agreed to, as follows:

In lines 21 and 22 strike out the word "Circle" and insert "Eagle."

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. The jurisdiction of each division of the court shall extend over the district of Alaska, but the court may, on motion, change the place of trial in any action, civil or criminal, from one place to another place in the same division or to a designated place in another division in either of the following cases.

The amendment reported by the committee was read, and agreed to, as follows:

In lines 2 and 3 of section 5 insert the words "in which the action is pending."

Mr. LLOYD. Mr. Chairman, through an oversight the gentleman from Virginia sitting near me [Mr. LASSITER] failed to get an opportunity to offer at the proper time an amendment to section 4. I ask unanimous consent that that section be recurred to.

There was no objection.

Mr. LASSITER. I offer the amendment which I sent to the desk.

The Clerk read as follows:

Strike out, in lines 24 and 26, page 5, the words "The Attorney-General may for cause change the place of residence of the judge of any division of the court" and insert: "*Provided*, That the Supreme Court may, by the rules adopted, as other rules of said court are adopted, change the place of residence of the judge of any division of the court."

Mr. WARNER. This amendment should not be adopted. The matter to which it refers is now under the control of the Department of Justice.

Mr. LASSITER. My proposition is to deprive the Department of Justice of this authority and give it to the judicial branch of the government in Alaska.

Mr. WARNER. The Supreme Court has no time to attend to such matters.

The question being taken on the amendment of Mr. LASSITER, it was rejected.

The Clerk read as follows:

Subject to appeal as provided by law, they shall also have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before a district judge, and like proceedings shall be had thereon as if the same had been granted by the judge under the general laws of the United States in such cases. The commissioners shall also have the powers of notaries public, and shall keep a memorandum of all deeds and other instruments of writing acknowledged before them and relating to the title to or transfer of property within the district, which memorandum shall be subject to public inspection. And all records of instruments of writing hitherto made by any United States commissioner in the district of Alaska are hereby declared to be public records of such district and shall have the same force and effect as if recorded in conformity with the provisions of this act.

The amendment reported by the committee was read, and agreed to, as follows:

At the beginning of the paragraph strike out the words "subject to appeal as provided by law."

The Clerk read as follows:

SEC. 7. Three clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office reside at the place designated for the residence of the judge of such division. Each clerk shall, in his division of the district, perform the duties required or authorized by law to be performed by clerks of United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the district of Alaska. He shall preserve copies of all laws applicable to the district and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also receive all moneys collected from licenses, fines, forfeitures, or in any other case, except from violations of the customs laws, and shall apply the same to the incidental expenses of the proper division of the district court and the allowance

thereof as directed by the judge, and shall account for the same in detail and for any balances on account thereof quarterly to and under the direction of the Secretary of the Treasury. He shall be ex officio recorder of instruments, as hereinafter provided, and also register of wills for the district, and shall establish secure offices where terms of his division of the court are held for the safe-keeping of his official records.

The amendment reported by the committee was read, and agreed to, as follows:

In line 14 of section 7 insert "other than moneys received for licenses."

Mr. DAYTON. I desire to move to strike out in the first line of the pending section the word "three" and insert "two." I offer this amendment because I expect to ask a vote in the House upon the proposition whether there shall be three courts in Alaska; and if the number of courts shall be reduced to two, the number of clerks should be correspondingly reduced.

The question being taken on the amendment of Mr. DAYTON, it was rejected.

The Clerk read as follows:

SEC. 8. Three district attorneys shall be appointed for the district, to be assigned to the divisions thereof, who shall reside during their respective terms of office at the place designated as the residence of the judge of the division of the court to which each of the district attorneys shall be assigned. They shall each perform the duties required to be performed by United States district attorneys in other districts, and such other duties as may be required by law.

Mr. DAYTON. For the same reasons stated with reference to the amendment which I offered just now, I move to amend by striking out, in the first line of the pending section, the word "three" and insert "two."

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 9. A marshal shall be appointed for each division of the district, and each marshal shall have authority and be required to appoint, subject to the approval of the Attorney-General, such deputy marshals as he may deem necessary for the efficient execution of the law and the orders of the court and of the commissioners appointed as herein provided.

Mr. DAYTON. I move to amend by inserting the following:

Marshals shall be appointed for each division district, not exceeding two.

The amendment was rejected.

Mr. GAINES. I have just found in my desk a newspaper clipping which is pertinent to the topic to which I referred a few moments ago—the condition of the judges in Alaska. With the consent of the House, I would like to insert this in the RECORD without reading it.

Mr. KNOX. What is it about?

Mr. GAINES. It says that there is no Federal judge in Alaska to-day, or was not on the date of this dispatch—April 10.

The CHAIRMAN. Is there objection to printing in the RECORD the article to which the gentleman from Tennessee refers?

There was no objection.

The article is as follows:

NO JUDGES IN ALASKA—TWO RESIGNATIONS LEAVE THE COURTS' BENCHES EMPTY.

TACOMA, WASH., April 10, 1900.

In Alaska there is not to-day a single Federal judge to hold court or issue warrants. At Juneau, where an immense amount of legal business for southeastern Alaska is transacted, there is not even a commissioner of the Federal court. This remarkable situation is caused by the resignation of Judge C. S. Johnson, which took effect March 31.

He intends going to Cape Nome, and came south on the steamer *Dirigo*. While journeying by steamer from Sitka to Juneau he was requested by several attorneys to reopen court at Juneau and try several important cases. He agreed, but at Juneau found a letter from the Department of Justice accepting his resignation and thereby ending his authority. An Eastern lawyer named Brown has been appointed Judge Johnson's successor. He is believed to be in Washington trying to have killed the provision in the Alaska bill which specifies that no one shall be eligible for judge in Alaska who is over 50 years. Brown is about 60.

Judge Malcomb, commissioner at Juneau, resigned recently, and Judge Johnson did not appoint any successor out of courtesy to his own successor. He has wired Washington, urging that a judge be sent to Alaska at once.

The Clerk read as follows:

SEC. 10. The governor, surveyor-general, and ex officio secretary of the district, attorneys, judges, clerks, and the marshals provided for in this act shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years and until their successors are appointed and qualified, unless sooner removed by the President for cause: *Provided*, The court or any judge thereof may, for cause, suspend a clerk, and the cause of such suspension shall be promptly made known to the Attorney-General, and the suspension shall continue subject to the order of the President. In case of the death, suspension, or inability of the clerk to perform the duties of his office, the court or a judge thereof may appoint a competent person to act as clerk until a clerk shall be appointed, as hereinbefore provided, or until the suspension or disability shall have been removed, and the person thus appointed shall be entitled to all the fees and emoluments of the office instead of the clerk, while acting as such, and he shall give such bond as the court may require.

The amendments reported by the committee were read, and agreed to, as follows:

In lines 1 and 2 strike out "and ex officio secretary of the district."

Strike out also the proviso beginning in line 7 and continuing to the end of the paragraph.

The Clerk read as follows:

The governor, the sum of \$5,000; the surveyor-general and ex officio secretary of the district, as full compensation, \$4,000; the judges, each the sum of

\$6,000; each marshal, the sum of \$5,000; the clerks, each the sum of \$4,500; the district attorneys, each \$4,000, the salaries payable from the Treasury of the United States, as like officers are paid in other districts.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out, in line 25, the words "six thousand dollars" (the salary of judges) and insert "\$5,000."

In line 26 strike out, as salary of marshal, "\$5,000" and insert "\$3,500."

In line 27 strike out "\$4,500," as salary of the clerks, and insert "\$3,500."

In lines 28 and 29 strike out "\$4,000," as salary of district attorneys, and insert "\$2,500."

Mr. GAINES. I should like to ask the gentleman reporting this bill why the committee has raised the salary of the governor of Alaska from \$2,700, which he is now receiving, to \$5,000?

The CHAIRMAN. The question is upon agreeing to the committee amendments.

Mr. GAINES. I should like to address the House for a moment on that proposition. I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GAINES. Mr. Chairman, a few days ago I looked into the Congressional Directory here, and to my utter astonishment I found that 24 of our State governors get \$3,000 a year and less; 3, \$3,500; 7 get \$4,000; 1, \$4,500; about 8 get \$5,000; 2, \$6,000; 2, \$8,000, and 2 get \$10,000, or 35, \$4,500 or less. The governors of New Mexico, Alaska, and Oklahoma we pay on an average of \$2,700—the governor of Alaska three thousand, and the others \$2,600—making an average of \$4,055 for our States and Territories. I wish to know the reason for this increase from \$2,700 to \$5,000 for Alaska.

Mr. LIVINGSTON. May I suggest to my friend from Tennessee that \$3,000 in Tennessee is more for the salary of the governor than \$5,000 would be in Alaska?

Mr. GAINES. Why has it been true for years and years? Why has it been \$2,700 for this governor and now \$5,000? He has to go up there and try to inject civilization into that God-forsaken country, a country that has been neglected far longer than it should have been. I am glad to see some inroads toward practical civilization up there; but for thirty years the governor of that Territory has received only \$2,700 a year.

Mr. LACEY. Let me suggest to my friend that living at Sitka, living on fish and vegetables there, before the rush of gold seekers raised prices, the living was very cheap there then.

Mr. GAINES. If he does not want to work for what the governors have been working for, let him stay in Iowa, or Tennessee, or wherever he comes from, rather than be asking us now in this day and time to raise the salary from \$2,700 to \$5,000.

Mr. LACEY. But my friend does not get the idea. Heretofore the cost of the necessities of life up there has been much less than it now is, since so many people have gone up there and prices have risen.

Mr. GAINES. Then the flood of gold up there has raised the price of everything, including salaries of the governor. There is no legislature up there. The governor has no such responsibility. Give them a Territorial form of government, and I will make no objection. You say they are great people up there, and the gentleman from Oregon [Mr. TONGUE] said they are the greatest people that God ever let live. Have they become great all at once?

Mr. SHACKLEFORD. I should like to ask the gentleman a question.

Mr. GAINES. Certainly.

Mr. SHACKLEFORD. Has there ever been any difficulty in getting men to accept the salary heretofore?

Mr. GAINES. No; and you will find gentlemen all over the country to-day who would be willing to take the place at the present salary. I am acquainted with the present governor, who has done so much for the civilization of that country. He came down here and helped to whip in some parties on that side of the House to give them 12 jurors instead of 6 in the Fifty-fifth Congress, and he says the law works well. He has come here and worked hard, and he has not made any complaint to me that he is badly paid.

A few days ago, over my objection, we gave the commissioner from Porto Rico \$5,000 a year; a man who, under the President's construction of the Constitution, is not a citizen of the United States—a man without a country, a man without a constitution, a man without a flag. We pay him \$5,000 a year to put on a swallow-tail coat and pump shoes, white cravat and diamond stud buttons, to come here to play the political dude. Yet, Mr. Chairman, we pay our governors, burdened with labor and legislatures, with cares of state, an average of about \$3,000 a year. [Applause.]

Mr. Chairman, I want to be just with these unfortunate people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I ask unanimous consent that my time may be extended for ten minutes.

The CHAIRMAN. The gentleman from Tennessee asks unani-

mous consent that his time be extended for ten minutes. Is there objection?

There was no objection.

Mr. GAINES. Mr. Chairman, I feel sorry for the man who has to go to Alaska to make a living. I feel sorry for the man who goes to Porto Rico to make a living. In the one case he goes to a political refrigerator, a place where there are savages, a place that is cold, a place where they have to slide around on sleds, a place where we had to go to Norway and get reindeer at a cost of millions to haul the people about to hunt gold. Mr. Chairman, I say in all candor to my friends on the other side while I would be just to these people, that we should be just to the taxpayers of this country, who bear the burden of these expenses.

For Heaven's sake be just to our own people and stop increasing these salaries without cause. We should call a halt and go slow on this question of increasing salaries. I ask now in all seriousness for some one to tell me why you raised the salaries of the governor of Alaska from \$2,700 to \$5,000? We have sworn to deal fairly with the people of this country. We are here under oath to answer to the people why this is done. If any gentleman can give me a good reason, I for one will say nothing. But under the circumstances I rebel against such ill-advised legislation.

Mr. Chairman, I move to strike out the word "five" and insert the word "three."

The CHAIRMAN. The question is first upon the committee amendment.

Mr. GAINES. Mr. Chairman, when will my amendment be in order?

The CHAIRMAN. It will be in order immediately after the committee amendments are disposed of.

Mr. LACEY. Mr. Chairman, I doubt the propriety of the committee amendment reducing the salary of the governor from \$6,000 to \$5,000, but I am willing to vote for it. My friend from Tennessee is perhaps not aware that the cost of common labor is \$10 to \$15 a day in Alaska. He is not aware that roast beef and potatoes cost \$2.50 a meal in many parts of Alaska. Salaries should always have a just proportion to the cost of living.

Mr. GAINES. Will my friend yield for a single question?

Mr. LACEY. Certainly.

Mr. GAINES. Has the governor of Alaska asked you to raise this salary to \$6,000 or \$5,000?

Mr. LACEY. I do not know and I do not care.

Mr. GAINES. I do not believe he would, either. I know him well.

Mr. LACEY. The governor of Alaska, before the great placer diggings were discovered, did not have many duties to perform, and the cost of living was comparatively small. When he got \$2,700 for what he had to do, living at Sitka, he had a pretty fair compensation. Three thousand dollars for the district attorney was a very fair compensation.

So it was with the district judge. But recently the district judge resigned to go to Nome in order to go into general practice, being unable to live upon the salary allowed him. We must recognize the condition of things in Alaska. Of course these expenses are very heavy, but it is necessary that a man performing official duties in Alaska should pay the current expenses common in the community into which he has to go.

Mr. SLAYDEN. May I ask the gentleman a question?

Mr. LACEY. Certainly.

Mr. SLAYDEN. The gentleman from Tennessee a few minutes ago read a clipping from some newspaper stating that on April 10 there was no judge at all in Alaska. Was that due to the fact that this gentleman had resigned his judgeship and gone into the practice of the law?

Mr. LACEY. The district judge had resigned and his successor has not been appointed. Now let me say to my friend from Tennessee that I would rather have \$600 a year in Tennessee, with Tennessee prices and Tennessee good living, and with the association of my good friend, than \$4,000 a year in Alaska.

Mr. GAINES. If you will come there you shall not spend a cent as long as you stay. [Laughter.]

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. GAINES. Now I move to strike out the word "five" and insert the word "three," because from the record which I hold in my hand I see that the salary of the governor is \$5,000, and the salary of the governor of Arizona, \$2,600; the salary of the governor of New Mexico, \$2,600, and the salary of the governor of Oklahoma, \$2,600. There is no proof here that the governor has asked for \$5,000. There is no Territorial legislation on his hands. He has nothing to do with making the laws. We make all of them for him.

Here is the old State of Vermont, that great old State, that absolutely pays her governor only \$1,500 a year; and here is another State, Oregon, that only pays her governor \$1,500 a year, and here

we are paying a man \$3,000 and raising the salary to \$5,000 without any necessity on earth, and gentlemen do not say why they so recommended.

Mr. WARNER. Mr. Chairman, I will simply say that the Senate committee decided to raise this salary of the governor of Alaska to \$5,000, and the Committee on Territories and the Committee on the Revision of the Laws of this House acquiesced in the action of the Senate; and for my part, I think it is small enough for the services rendered, the dignity of the office, and the expenses of the incumbent. There you can not get an ordinary laboring man to work for much less per year than \$5,000.

Mr. KING. Will the gentleman permit an inquiry?

Mr. WARNER. Certainly.

Mr. KING. Will not the appointee be some prominent business man who is a resident of the Territory?

Mr. WARNER. No, he will not. This act provides that the present incumbent shall serve out his term.

Mr. KING. If the present incumbent were to cease?

Mr. WARNER. I can not tell. If I were President of the United States I would try to select some good friend of mine and send him up there.

Mr. GAINES. His term expires in 1901.

Mr. WARNER. Whenever it expires. He is to be paid this until that time, and I think, Mr. Chairman—

Mr. KING. Is there anything in this bill which requires a carpetbagger to be sent there?

Mr. WARNER. Nothing in the world. It is in the discretion of the President.

Mr. SHACKLEFORD. Will the gentleman permit me to ask him a question?

Mr. WARNER. Certainly.

Mr. SHACKLEFORD. You say if it was left to you to manage you would send a good friend of yours. Is not that the reason why this is raised from the present amount to \$5,000, in order that you may make a hole in which to put some good Administration peg?

Mr. WARNER. I do not know. The United States Senate put it at \$5,000. If it had been left to me, I would have put it at five or six thousand dollars, because I should have been of the opinion that you can not get a competent man for less money. He stays up in that frozen country the year round and gets only \$5,000. There is not a man on this floor who would do the same thing for the same money. We think it hard to come down here for six months in the year, in this magnificent city of Washington, for \$5,000 a year, with mileage and stationery thrown in; and it takes a man of as much ability to manage the affairs of that Territory, with its immense mineral resources and rapidly increasing population, as it does to discharge the duties of a Congressman.

Mr. KING. Will the gentleman permit another inquiry?

Mr. WARNER. Certainly.

Mr. KING. What does the present incumbent get?

Mr. WARNER. Three thousand dollars.

Mr. KING. Did the President of the United States have any difficulty in finding persons who desired to be appointed governor of Alaska?

Mr. WARNER. I do not know anything about it one way or the other.

Mr. OLMSTED. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OLMSTED. Is it too late to make the point of order against the amendment of the gentleman from Tennessee that that amendment is out of order, the House having already voted \$5,000 in the bill?

Mr. GAINES. That was done with the understanding that I should have the right to make this motion.

The CHAIRMAN. The Chair understands the gentleman from Pennsylvania to ask if the point of order can now be made. The Chair is of opinion that the point of order can not be made, and would not be good if made. The question is on agreeing to the amendment of the gentleman from Tennessee.

The question was taken.

The CHAIRMAN. The Chair is in doubt.

Mr. GAINES. Division, Mr. Chairman.

The committee divided; and there were—ayes 37, noes 48.

So the amendment was lost.

The Clerk read as follows:

Each clerk shall collect all money arising from the fees of his office or on any other account authorized by law to be paid to or collected by him, and shall report the same and the disposition thereof in detail, under oath, quarterly, or more frequently if required, to the court, the Attorney-General, and the Secretary of the Treasury, and all public money received by him and his deputies for fees or on any other account shall be paid out by the clerk on the order of the court, duly made and signed by the judge, and any balance remaining in his hands after all payments ordered by the court shall have been made shall be by him covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe.

With the following amendment, recommended by the committee:

In line 33, after the word "account," insert "than for licenses."

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

The marshals, judges, clerks of court, and district attorneys shall, in addition to their salaries, be paid their actual traveling and subsistence expenses when traveling in the discharge of their official duties. Accounts for such expenses shall be rendered and paid as are accounts for like expenses in other districts.

With the following amendment, recommended by the committee:

In line 50, before the word "marshals," insert "governor, surveyor-general."

The amendment was agreed to.

Mr. WARNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert immediately after the word "accounts," in line 54, page 14, the words "of judges, marshals, clerks, and district attorneys."

The amendment was agreed to.

The Clerk read as follows:

Provided, The Attorney-General may, when in his opinion the public interests require, designate not to exceed ten places in the district where commissioners shall reside, who shall be appointed by the President, by and with the advice and consent of the Senate. Commissioners so appointed by the President shall be learned in the law and shall execute such bonds for the faithful performance of their official duties as the Attorney-General may prescribe, and shall have the same powers and perform the same duties as commissioners appointed by the court, and they shall receive in addition to the aforesaid fees a salary of \$1,200 per annum, payable to them quarterly out of the Treasury, out of any money not otherwise appropriated, in manner and form as United States commissioners in the district are now paid.

The committee amendment recommended striking out the whole proviso.

The amendment was agreed to.

The Clerk read as follows:

SEC. 12. The clerks of the court shall each, before entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the Secretary of the Treasury or the court or a judge thereof, in the penalty of \$20,000, for the faithful performance of his official duties, and file the same with the Attorney-General; and each commissioner shall, before entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the court, or a judge thereof, in the penalty of \$1,000, for the faithful performance of his official duties, and file the same with the clerk, who shall send a certified copy thereof to the Attorney-General.

With the following committee amendment:

In lines 3 and 4, page 15, strike out the words "Secretary of the Treasury or the."

The amendment was agreed to.

The Clerk read as follows:

The order establishing a recording district shall designate a United States commissioner to be ex officio recorder thereof, and shall also designate the place where the commissioner shall keep his recording office within the recording district.

With the following committee amendment:

In line 24, page 17, strike out the words "United States."

The amendment was agreed to.

The Clerk read as follows:

First. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, leases which have been acknowledged or proved, mortgages upon personal property.

With the following committee amendment:

In line 7 strike out the words "to convey real estate."

The amendment was agreed to.

The Clerk read as follows:

Sixth. All orders and decrees made by the district court or the commissioners in probate matters affecting real estate which are required to be recorded:

Seventh. Notices and declaration of water rights;

Eighth. Assignments for the benefit of creditors;

Ninth. Affidavits of annual work done on mining claims;

Tenth. Notices of mining location and declaratory statement.

With the following committee amendments:

In line 16 strike out "decrees" and insert "judgments."

In lines 22 and 23 strike out "statement" and insert "statements."

The amendments were agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 6876. An act providing for the transfer to Post 39, Grand Army of the Republic, at Lawrence, Mass., of certain guns now in possession of Battery C, Massachusetts Volunteer Militia; and H. J. Res. 255. Joint resolution to print the annual reports of the American Historical Association.

The message also announced that the Senate had passed with

amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 10301. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901; and

H. R. 2537. An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAWLEY, Mr. CARTER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 3215) granting an increase of pension to Andrew F. Dinsmore.

CIVIL CODE FOR ALASKA.

The committee resumed its session.

The Clerk read as follows:

Eleventh. Such other writings as are required or permitted by law to be recorded, including the liens of mechanics, laborers, and others: *Provided*, Notices of location of mining claims shall be filed for record within ninety days from the date of the discovery of the claim described in the notice, and all instruments shall be recorded in the recording district in which the property or subject-matter affected by the instrument is situated, and where the property or subject-matter is not situated in any established recording district the instrument affecting the same shall be recorded in the office of the clerk of the division of the court having supervision over the recording division in which such property or subject-matter is situated.

Mr. LACEY. Mr. Chairman, I move to strike out the last word. I want to ask the chairman if any investigation was made as to ninety days being an adequate time where the discovery is made in the winter. I have been told that it was impossible to reach the court inside of a considerably longer time than that.

Mr. KNOX. We did ask quite a number of people from Alaska, some of them attorneys in active practice, men of experience, and they said the ninety days was ample time.

The Clerk read as follows:

SEC. 16. Any clerk or commissioner authorized to record any instrument who having collected fees for so doing fails to record such instrument shall account to his successor in office, or to such person as the court may direct, for all the fees received by him for recording any instrument on file and unrecorded at the expiration of his official term, or at the time he is required to transfer his records to another officer under the direction of the court. And any clerk or commissioner who fails, neglects, or refuses to so account for fees received and not actually earned by the recording of instrument shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$100 nor more than \$1,000, and imprisoned for not more than one year, or until the fees received and unearned as aforesaid shall have been properly accounted for and paid over by him, as hereinbefore provided. And in addition such fees may be recovered from such clerk or commissioner or the bondsmen of either, in a civil suit, which shall be brought by the district attorney, in the name of the United States, to recover the same; and the amount when recovered shall be by the court transferred to the successor in office of such recorder, who shall thereupon proceed to record the unrecorded instruments.

With the following committee amendment:

In line 18 strike out the word "suit" and insert "action."

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. ADAMS having taken the chair as Speaker pro tempore, sundry messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On May 17, 1900:

H. R. 6749. An act for the relief of Mary A. Swift; and

H. R. 996. An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose.

On May 18, 1900:

H. R. 8963. An act to fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana; and

H. R. 10780. An act to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Ocala, in said district.

On May 19, 1900:

H. R. 9496. An act to provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana;

H. R. 9635. An act to establish light-house and fog signal in State of Washington.

On May 21, 1900:

H. R. 2465. An act to grant an honorable discharge to George W. Shank;

H. R. 2757. An act to authorize the purchase of certain lands in the district of Alaska; and

H. R. 3334. An act to amend section 3005 of the Revised Statutes of the United States.

CIVIL CODE FOR ALASKA.

The committee resumed its session.

The Clerk read as follows:

Provided, Miners in any organized mining district may make rules and regulations governing the recording of notices of location of mining claims, water rights, flumes and ditches, mill sites, and affidavits of labor, not in conflict with this act or the general laws of the United States; and nothing in this act shall be construed so as to prevent the miners in any regularly organized mining district from electing their own mining recorder: *Provided further*, All records heretofore regularly made by the United States commissioner at Dyea, Skagway, and the recorder at Douglas City, Alaska, not in conflict with any records regularly made with the United States commissioner at Juneau, Alaska, are hereby legalized.

With the following committee amendments:

After the word "district" insert the following: "not within any recording district established by the court;" and after the word "recorder" insert the words "to act as such until a recorder therefor is appointed by the court."

The amendments were agreed to.

Mr. JONES of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "legalized," in line 37, page 21, insert: "And all records heretofore made in any regularly organized mining district are hereby validated and made public records, and the same shall be delivered to the recorder for the recording district including such mining district within six months from the passage of this act."

The amendment was agreed to.

The Clerk read as follows:

The term of office of a notary public is three years from and after the date of his commission, but he may be sooner removed by the governor for misconduct in office.

The amendment reported by the committee was read, and agreed to, as follows:

Strike out, in the first line of the paragraph, the words "is three" and insert "shall be four."

The Clerk read as follows:

SEC. 18. It is the duty of a notary public—

First. When requested, to demand acceptance and payment of foreign, domestic, and inland bills of exchange, or promissory notes, and protest the same for nonacceptance and nonpayment, and to exercise such other powers and duties as by the law of nations and according to commercial usages or by the laws of any other State, government, or country may be performed by notaries, and keep a record of such acts.

The amendments reported by the committee were read, and agreed to, as follows:

In line 1 strike out "is" and insert "shall be."

In line 7, before the word "State," strike out "other."

The Clerk read as follows:

Second. To take acknowledgment or proof of powers of attorney, mortgage deeds, grants, transfers, and other instruments of writing executed by any person and to give a certificate of such proof or acknowledgment indorsed or attached to the instrument.

The amendments reported by the committee were read, and agreed to, as follows:

In line 2 strike out before the word "deeds" the word "mortgage," and after "deeds" insert "mortgages."

The Clerk read as follows:

Fifth. To provide and keep an official seal, upon which must be engraved the name of the district and the words "Notarial Seal," with the surname of the notary and at least the initials of his Christian name.

The amendment reported by the committee was read, and agreed to, as follows:

Strike out "Notarial Seal" and insert "notary public."

Mr. JONES of Washington. For the purpose of enabling me to prepare an amendment, I ask unanimous consent that this paragraph be passed over for the present.

There was no objection.

Mr. LACEY. Mr. Chairman, I would like to put a question to the chairman of the committee in regard to section 17, which we have just passed. I wish to inquire as to the necessity of the provision which requires that a notary public shall actually remain all the time in Alaska. It is customary for most people in Alaska to get out of there during the winter. The provision of this section, as I understand, is that the removal of the notary from the Territorial district shall vacate the office.

Mr. WARNER. The provision does not require a notary to remain in the district constantly, but only to maintain a residence there. There is a difference between residing in a State and staying there all the time. The gentleman from Iowa resides in that State, but he is in Washington a large part of each year.

The Clerk read as follows:

SEC. 20. It is the duty of every notary public, on his resignation or removal from office and in case of his death of his legal representative, or at the expiration of his term, to forthwith deposit all the records kept by him in the office of the clerk of the division of the district court in which he resides, and on failure to do so the person so offending is liable in damages to any person injured thereby.

The amendments reported by the committee were read, and agreed to, as follows:

In line 1 strike out "is" and insert "shall be."

After the word "office," in line 2, insert "or at the expiration of his term."

In line 4 strike out "or at the expiration of his term."

The Clerk read as follows:

SEC. 21. It is the duty of each clerk aforesaid to receive and safely keep all records and papers of the district in each case above named and to give attested copies of them under his seal, for which he may demand such fees as by law may be allowed to the notaries, and such copies shall have the same effect as if certified by the notary.

The amendment reported by the committee was read, and agreed to, as follows:

In the first line strike out "is" and insert "shall be."

The Clerk read as follows:

SEC. 25. The officers properly qualified and actually discharging official duties in the district at the time of the approval of this act may continue to act in their respective official capacities under existing law until August 1, 1900, unless their successors shall be duly appointed and qualified under and in conformity with the provisions of this act prior to that date.

The amendment reported by the committee was read, and agreed to, as follows:

Strike out at the end of the section the words "August 1, 1900, unless their successors shall be duly appointed and qualified under and in conformity with the provisions of this act prior to that date" and insert "the expiration of the terms for which they were respectively appointed."

The Clerk read as follows:

SEC. 26. The laws of the United States relating to mining claims, mineral locations, and rights incident thereto are hereby extended to the district of Alaska: *Provided*, That subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions all land and shoal water below mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and all permits heretofore granted authorizing any person or persons, corporation, or company to excavate or mine under any of said waters are hereby revoked and declared null and void; and the reservation of a roadway 60 feet wide, under the tenth section of the act of May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," shall not apply to mineral lands or town sites.

The amendments reported by the committee were read, as follows:

In line 6 strike out the words "below mean high" and insert "between low;" and after the word "tide" insert "and the tundra."

In lines 17 and 18 strike out "all permits heretofore granted" and insert "no exclusive permit shall be granted by the Secretary of War."

In line 21 strike out "are" and insert "below mean low tide, and if such exclusive permit has been granted it is."

Mr. FINLEY. I wish to ask the chairman of the committee a question. I see that by section 26 mining rights are restricted to citizens of the United States or to persons who have legally declared their intention to become such. Later on in the section the right of the Secretary of War to grant permits is recognized. Now, I wish to understand from the chairman whether the Secretary of War can grant such permits to any other persons than citizens of the United States or those who have legally declared their intention to become such?

Mr. DAYTON. Let me answer the gentleman's question. I have an amendment that will cover that.

Mr. WARNER. The general law would prevent that.

Mr. OLMSTED. Mr. Chairman, I feel that the committee has made a mistake in changing the Senate bill in line 6 of section 26. As the Senate sent the bill to us it provided—

That, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, all land and shoal water below mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law.

Now, the committee in considering this bill made a mistake, as I think, in making the provision extend only "between low tide and the tundra on the shores, bays, etc., of Bering Sea." At Cape Nome there is a tundra, or low, marshy, frozen plain, extending along the coast about 20 miles. But we are not legislating wholly for Cape Nome. There is gold also at Cape Golofnin on the south and at Cape Prince of Wales and Cape York, a hundred miles to the north. But there is no tundra at either of those places. Therefore the provision of this section would be very indefinite.

In the latest authoritative report which we have on the subject, which is the preliminary report on the Cape Nome gold region of Alaska, published by the Government, on page 25, we read this of the Cape York region:

The region is about 100 miles northwest of Nome and 25 miles from Port Clarence, its nearest harbor.

The mountains of this part of the peninsula are said to be rugged, with

sharply cut valleys and gulches. At Cape York they lie close to the sea, and here the cliffs rise abruptly from the water, forming a rock-bound and forbidding coast. To the westward the mountains recede, and the crescent-shaped area between the two capes is a low, rolling country. Cape Prince of Wales is said to be a sands pit jutting out from a low, hilly country. There is no coastal plain, such as is found at Nome.

Now, if we enact legislation for the Territory between low-water mark—low tide and the tundra—we make a very indefinite and uncertain enactment, because on the greater part of this coast there is no tundra, and consequently there would be no limit to this provision. Therefore I think that it is better and safer to leave the bill as the Senate passed it, so that below high tide there is a provision for mining subject to such regulation as the miners may make.

Heretofore the best that could be done, in view of the statute passed by Congress in 1899 forbidding excavations in the bottoms of navigable waters, was for the Secretary of War to grant permits, and he has granted permits, but in the judgment of many Senators, which, it seems to me, is well founded, without any strict authority for it. However, they have been getting along peaceably. This bill as enacted by the Senate practically repeals the act of 1899 so far as mining for gold is concerned along the beach below high tide.

Mr. LACEY. I should like to ask the gentleman a question in this connection.

Mr. OLMSTED. Certainly.

Mr. LACEY. Would not the effect of your suggestion be to allow the miners on the shore to control the dredging out at sea, and ought not that control be taken away from the shore miners?

Mr. OLMSTED. I do not think it would have that effect. My suggestion simply leaves it as the Senate left it—that is, below high tide anybody may mine, subject to such regulations as the miners themselves may make.

Mr. LACEY. But the trouble is that the miners on the shore who could not possibly go out there and dredge would make regulations by which they would divide up the sea bottom among themselves in order to sell it to the dredgers.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LACEY. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Iowa asks that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. OLMSTED. I do not think it would be open to the objection that the gentleman suggests. I suppose the mining laws would apply from high tide inland, and this provision only from high tide outward toward the sea.

Mr. WARNER. Mr. Chairman, the object of this amendment to this section is to prevent the miners from controlling and confiscating perhaps the dredging outfits out in the shoal water. As the bill came from the Senate it gave these miners out on the beach the power to control all the mining below high water or high tide. We have compromised that difficulty in this bill by giving the miners control of all the shore mining between low tide and the tundra. The Secretary of War has control of all the mining below high tide—that is, out under the water. Then the general mining laws of the United States control from the tundra inland.

Now, the tundra is a well-recognized term up there, and I am told, and the committee was informed by gentlemen from Alaska who are familiar with the situation and the difficulties up there, and the threatened conflicts, that this provision would be entirely satisfactory to the miners. If you give the miners control of that part of the beach which they can mine with their spades and pans, we were told that they would be satisfied, without claiming the right to control mining out under the water. And that is the way it is settled. The only question about it is the use of the word "tundra" instead of "high tide."

The tundra is a well-defined landmark along Bering Sea, as I am informed by men familiar with the country. It is as well defined as the walls of this Hall. It is where the vegetation next to the sea stops, whether on a morass or on the banks or whatnot. It is where the salt water ceases to destroy vegetation. There can be no question as to where the line of the tundra is. There can be a question as to where high tide is.

Mr. OLMSTED. There are many hundreds of miles of coast where there is no tundra at all.

Mr. WARNER. I do not know anything about that except what I have been told by gentlemen from Alaska who appeared before our committee, and they said that on Bering Sea there was no question about it. If there was any trouble, or if I thought any trouble or difficulty liable to arise on account of the wording of this committee amendment, we could change it so as to make it read between mean low tide and mean high tide.

Mr. OLMSTED. That would meet my objection.

Mr. WARNER. But they preferred it another way, with another amendment, which will come in later, providing that all

locations which have been made between high tide and the tundra shall be protected and not subject to the action of miners. I think the gentleman from Iowa [Mr. LACEY] has an amendment of that kind.

Mr. LACEY. I was going to suggest an amendment to meet the objection made by the gentleman from Pennsylvania.

Mr. WARNER. I am of opinion that the language of this section as amended is absolutely correct and will have the desired effect. That is the intention of the committee. Now, if the Committee of the Whole does not approve of the intention of the committee, that is all right, but let them understand what the two committees intended when they passed this amendment. They intended to give the Secretary of War complete control of all mining under the water below low tide. It is intended to give the miners' meetings control of all the mining between low tide and the tundra, and from the tundra on inland the country is subject to the general mining laws of the United States.

[Here the hammer fell.]

The CHAIRMAN. The question is on the committee amendments.

Mr. LACEY. I move to amend the first committee amendment by inserting after the word "tundra," as proposed in line 6, the following. I will read it for the information of gentlemen. Perhaps the chairman may accept it. I propose to add the words:

Where the line of the tundra is well defined, and where such line is not defined, then the line of mean high tide.

Mr. WARNER. That is satisfactory to the committee.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

Mr. LACEY. And the chairman of the committee accepts it.

The Clerk read as follows:

After the word "tundra," in line 6, section 26, insert:

"Where the line of the tundra is well defined, and where such line is not defined, then the line of mean high tide."

Mr. OLMSTED. That meets the principal objection that I urged, but it seems to me that there is still another that ought to be covered. We do not in this bill expressly confer any authority upon the Secretary of War to grant permits to anybody, and that leaves the territory from low tide out to sea perfectly "at sea."

Mr. WARNER. I will state to the gentleman that the Secretary of War expressly has that authority by the act of March 3, 1899, which is as follows:

It shall not be lawful to excavate or fill, or in any manner to alter or modify, the course, location, or condition or capacity of any port, roadstead, haven, harbor, canal, harbor of refuge, or inclosure within the limits of any breakwater, or the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to the beginning of the same.

Mr. OLMSTED. That says it shall not be lawful for the Secretary of War to grant any permits unless authorized by the Chief of Engineers. Now, it is not pretended that the Chief of Engineers recommends these mining excavations, or has anything to do with them. They are not excavations for any purpose named or contemplated in the act of 1899. They are not intended as alterations or modifications of any haven, harbor, or refuge. What the miner does is simply to mine or dredge for gold. He does not perform or intend any such "work" as requires the recommendation of the Chief of Engineers.

It was certainly doubted by very able Senators that the Secretary of War had any jurisdiction to grant mining permits. To carry out the purposes of the committee in this regard, he should be given some express authority, otherwise he has but a strained and doubtful authority under the act of 1899. The purpose here intended was manifestly not contemplated by that act.

Mr. LACEY. I suggest to my friend that I have prepared an amendment covering that question, authorizing dredging, that I would like to offer after the committee amendments have been disposed of. I think we can agree on some form. I understand the gentleman from West Virginia has something on the same subject.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DAYTON. Mr. Chairman, I want to offer the following amendment, to follow after the last word of the section.

The CHAIRMAN. Will the gentleman withhold that until the other committee amendments are agreed to?

The question was taken; and the other committee amendments to section 26 were agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia, which the Clerk will report.

The Clerk read as follows:

Insert after the word "sites," line 28, page 25, the following:

"Provided, further, That nothing in this act contained shall be construed as changing the existing mining laws of the United States, but in any suit, action, or proceeding hereafter commenced, involving the validity of an unpatented mining location in the district of Alaska, any party alleging an interest in the subject-matter may put the competency of the locator in issue, and the court shall determine whether the locator was a citizen or had de-

clared his intention to become a citizen of the United States at the time the location was made."

Mr. LACEY. I make the point of order upon that amendment.

The CHAIRMAN. The gentleman from Iowa will state his point of order.

Mr. DAYTON. I understood I had the floor.

Mr. KNOX. I will simply suggest to the gentleman from West Virginia, inasmuch as this amendment is offered on a question that was very broadly discussed in the Senate, and it virtually changes the administration of the present mining laws, whether we can not agree upon some time for the discussion of the amendment.

Mr. DAYTON. Certainly I think so. For my part I do not desire to take but little time. I want to say I regret the duty has fallen upon me to introduce this amendment, but I could not very well let it pass under the condition of circumstances that exist in the Committee on the Revision of Laws. I believe that committee favors this amendment.

Mr. KNOX. Would twenty minutes do?

Mr. DAYTON. I do not think we ought to take more than that unless the gentleman from Iowa wants some time.

Mr. LACEY. I want to be heard upon this.

The CHAIRMAN. Will the gentleman from Iowa state his point of order?

Mr. LACEY. My point of order is that it is not germane to the section. It is perfectly evident that this is entirely a separate proposition, having no bearing whatever upon the question involved in section 26 as it now stands. It is not proper, because this committee has no jurisdiction to attempt to change the laws while merely revising them. The mineral laws of the United States have been settled for forty years, and for forty years the very proposition that the gentleman now contends for has not been the law. But, on the contrary, no one could raise the question of alienage or incompetency except the Government of the United States.

The proposition is now to change this law, a law which has stood without objection for forty years in every mining State of the United States, and to make the change only applicable to the people of Alaska. Why this particular district should be singled out and a change made in so important a feature of the law does not appear. The Committee on the Revision of the Laws have the right to revise the laws; they have the right to bring in a bill substantially passing the laws as they are.

It is not within the jurisdiction of the committee nor in the scope of the bill to change laws and make radical and sweeping amendments to the laws of the land as they exist or to change the laws while merely codifying them. Therefore there is no jurisdiction upon the part of the committee to report this amendment. It is not germane to the bill itself, nor to the section to which it is attached, because that section does not provide for procedure in regard to litigation in mining claims where a question of alienage arises.

The CHAIRMAN. The Chair will say—

Mr. DAYTON. If the Chair is in any doubt upon the question—

The CHAIRMAN. The Chair is ready to dispose of the point of order; but if the gentleman desires to be heard, the Chair will hear him.

Mr. DAYTON. I simply want to say that the gentleman is in error in saying that this is a revision of the laws. He must understand that this first chapter is distinctly and entirely for a Territorial government for this district of Alaska. Therefore it is properly new legislation, not revision. His second proposition will not hold, because this amendment distinctly provides that the mining laws of the United States shall not be repealed; but it is provided further that the court in Alaska shall have authority, upon complaint of those possessed of mining locations, to contest their rights in the local court.

Now, I simply want to say, Mr. Chairman and members of the committee, that this proposition comes squarely based upon this fact. Certain men went into the district of Alaska and attempted to form a trust or combination that should take into its claws almost the whole of this Cape Nome territory, or a large part of this gold-mining territory. And these claims were largely located by aliens, notwithstanding the law of the United States expressly provided that no one could locate a mining claim who was not a resident of the United States, or who had not declared his intention to become such a resident.

Notwithstanding that, certain parties, two men of very large wealth living in San Francisco, have purchased a large number of these claims that have been located by nonresidents. In fact, they were located by Laplanders, who were brought down for the purpose of locating these claims for the benefit of these outside parties who had the money to pay them for the expenses they had been to in locating. Others were located under powers of attorney, in pencil, by relatives of some of the parties in Europe, who never have seen the mining region; people who never carried a pick or

a shovel, who never contemplated for one moment carrying on actual mining operations, but simply were employed to make these locations for the sole purpose of letting one or two men of large means control this whole valuable territory against the actual miner.

Further, these claims were laid out into 20-acre lots, so as to cover as far as possible the whole territory. The object and purpose of the amendment is simply this: It is insisted that these people who have located claims in this region, not residents of the United States, did so illegally, and not having made a legal location, anyone has a right to lay another location on this territory, which was never in fact properly and legally taken up, and if there should be any litigation about it they shall have the right in their local courts there to litigate it.

We have established three courts there, at the instance, partially, of the gentleman from Iowa. We have located three courts there for the purpose of testing this mining litigation, and they ought to have the right to contest their right to that valuable territory.

As they construe the law now, it can only be done by the United States. I insist that this whole chapter is providing a district government for Alaska, and this amendment is perfectly germane. It was so considered in the Senate; in fact, it is a part of the amendment offered in the Senate, but simply withdrawn because under the rules there it was said that the bill should not go through unless the amendment was withdrawn.

Mr. LACEY. Mr. Chairman, the gentleman's statement makes it perfectly clear that in the presence of a bare quorum of the Committee of the Whole, he proposes to try a lawsuit between the assignees of locators, whom he calls Laplanders, in the Cape Nome country and other persons who have jumped or are trying to jump the claims. He proposes that Congress shall deal with the trial of certain lawsuits, and shall, without changing the laws of Montana, Colorado, or California, provide a rule of law as to particular litigation in Alaska; and he says that the question was raised in the Senate, and that parties there insisted on having it go out, or threatened to hold up the bill.

Mr. DAYTON. The gentleman does not want to misrepresent me, I am sure.

Mr. LACEY. Certainly not.

Mr. DAYTON. My statement was distinctly to the contrary. I do believe that the American miner who goes there with a pick and shovel shall have the right to locate on that mining territory and contest with Mr. Lane, who has had Laplanders and others come down and take up the territory, men who had no authority to take it up; that the American miner shall have the right to contest that location on the ground of citizenship in the local courts, and not wait for the courts of the United States to do it.

Mr. LACEY. That settles the question, Mr. Chairman. One man has more money than the other, and my friend from West Virginia (not a member of the Populist party either) insists that this House shall determine which is the richest, and decide the case in favor of the man who has the least against the man who has the most, notwithstanding the man who has more bought the property from another man who has still less. But if we should legislate the present holders of the claims out of their property, then we should create another lot of rich men, equally objectionable. I think we should keep our hands off of this controversy and let the law take its course.

What are the facts? Norwegians and Laplanders went in and made discoveries. They appeared before the United States commissioner at St. Michael and took the oath supposed to be sufficient to qualify themselves as locators. The nearest United States court was at Sitka, 2,200 miles away. They went before the commissioner at St. Michael and took the oath of allegiance and declared their intentions to become citizens of the United States. That was the best they could do. They took the advice of Mr. Sheldon Jackson, who was with them. They also took the advice of other officials who told them that the commissioners in the District of Alaska had the same powers that the clerks of courts have in their districts in the States in relation to such naturalization papers.

They in good faith took the oath. They then went and located their claims. They sold their claims to other persons, American citizens. Now, my friend says there is somebody poorer than the men that bought the claims that ought to have them; and he proposes to try that lawsuit now in the House of Representatives. He tells you that the question came up in the Senate, and notice was given there that the bill would not go through that body (which it could not do under the rules) unless that provision was withdrawn.

Mr. DAYTON. Will the gentleman from Iowa, who wants to be fair—

Mr. LACEY. I am going to be fair.

Mr. DAYTON. Well, upon what do you base your charge that I want to try a lawsuit here in the House of Representatives?

Mr. LACEY. Upon your own statement.

Mr. DAYTON. I simply want to give those people who have

gone on and located these claims, which were not properly located before, the right to try their case in the district of Alaska—not here.

Mr. LACEY. The law fixes their rights now. If one of these Laplanders had located a claim in Montana, if this controversy had arisen in Montana, my friend would not insist upon his proposition. But he proposes now to make a different rule of law as to Alaska.

It is not a controversy between a Laplander and a citizen of the United States. It is a controversy between one citizen of the United States and another citizen. One of these citizens of the United States the gentleman proposes to legislate out, because he bought, as the gentleman says, from somebody who had not formally or properly taken out his papers of naturalization, or the preliminary declaration to become a citizen of the United States.

I am amazed that my friend should inject this sort of a proposition into a bill for the revision of the laws after it has been rejected in the Senate—abandoned there after weeks of debate—that he should now bring it up in the closing hours of this session upon a bill of 600 pages and seek to make a rule of law for Alaska that has never been proposed in any other State or Territory of the Union; and to make this rule of law, as he tells us, apply to six claims of six individuals. He says there are controversies between six men on one side and six men on the other. The mere statement of the proposition ought to be enough to cause this House to vote it down.

Mr. DAYTON. I did not make that statement. I said that six men went there originally and brought in these Laplanders to locate these claims, contrary to the mining laws of the United States, and then, knowing absolutely that those claims had been illegally located, men of means went to work and bought them up. That is what I stated.

Mr. LACEY. It is a question between the locator and the jumper.

[Here the hammer fell.]

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. LACEY. I desire to discuss at a proper time the merits of this proposition. I would not have touched upon it now if the gentleman from West Virginia had not done so.

Mr. WARNER. I do not understand that this amendment is introduced for the purpose of affecting, influencing, or disposing of any private claims now pending anywhere. It is designed to introduce a new principle, a general principle or rule. I think it is a good amendment and in my judgment should be adopted. There was a large majority in favor of it in the Senate; but one or two gentlemen over there, as I am told, served notice that they would talk the bill to death unless the proposition was withdrawn. It was known over there as "the Carter amendment."

The CHAIRMAN. The pending question is on the point of order of the gentleman from Iowa—not on the adoption of the amendment.

Mr. WARNER. Upon the point of order I will say just one word.

This provision appears in the civil government part of this bill. It is not a revision of any law. It does not pretend to be the codification of any law. It provides a new civil government for the district of Alaska, and any amendment that is germane to that subject, that can be made applicable to that district, is in order. Therefore I suggest that the point of order is not well taken. If this were a revision or codification, the case would be different; but it is a new organic law for that district.

The CHAIRMAN. The object of section 26 is to extend the laws of the United States relating to mining claims, etc., over Alaska, with certain limitations expressed in several provisos.

Mr. LACEY. They are already extended by another law.

The CHAIRMAN. The Chair is passing on what is involved in the question before the committee.

The amendment offered by the gentleman from West Virginia is in the nature of a proviso more clearly expressing the extent of the balance of the section, and placing a further limitation on the general provision.

It therefore appears to the Chair that it is germane and that the point of order is not well taken. It is not at all in conflict with any one of the committee amendments which have been adopted. The point of order is overruled. The question now is upon agreeing to the amendment offered by the gentleman from West Virginia.

Mr. LLOYD. I think the amendment offered by the gentleman from West Virginia [Mr. DAYTON] is a very proper one. As I understand it, it is not offered for the purpose of settling a private difficulty, but for the purpose of establishing a principle. As I understand the matter now, in mining disputes there may be a controversy between the locator and the United States Government where the rights of parties only are concerned. If this amendment is adopted, as I understand it, then the parties may litigate the matter as between themselves in the courts. As it is

now, the United States must be made a party in matters of dispute of this character, but if this becomes a law then it will not be necessary to make the United States a party, but the disputants themselves may settle the matter.

Mr. DAYTON. Under the construction that they are making of the law now, the United States alone can test the question as to these bogus claims; and before the United States can take that action they can bring the machinery that they have bought and sent over there, because they have millions backing them and have this whole territory mined out.

Mr. LLOYD. I was expressing about that idea. I am very anxious that this amendment should be properly considered, and I believe if it is the House will adopt it.

Mr. COWHERD. Let the amendment be reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. LACEY. I want to address the committee in opposition to the amendment. I have partly done so in discussing the point of order.

The courts of the United States, including the Supreme Court of the United States, have held that in controversies of this kind, where a claim has passed into the hands of a citizen of the United States, the fact that it was originally located by an alien will not defeat his title. They have also held, time and again, that there is only one power that can raise the question of alienship at all, and that is the Government itself.

This proposition is to clothe these litigants in the Cape Nome region with the power to use the name of the United States to attack certain claims. If we were intending to legislate at all upon this question, if we were going outside to legislate as to the rights of these individuals, we ought, on the contrary, to pass a law that these men who located claims in good faith, believing themselves to have taken the necessary steps toward naturalization, should have valid claims and that their assignees should be protected. Their evidence has been filed in the proceedings in the Senate committee, in which they show that they, in absolute good faith, believed that they had taken the first proper step toward naturalization; that they did it before a United States commissioner, and, having afterwards taken the claims, they had a right to sell them.

Other parties bought their claims. Afterwards other men come in now and attempt to jump those claims and take them away.

The proposition to strengthen the position of the contestants by legislation ought not to be tolerated by the sense of justice of a lawmaking body, anywhere, for a moment. It is a high-handed attempt to decide or influence the decision of legal controversies between individuals 5,000 miles away, without evidence, on a mere ex parte statement, changing the law to adapt itself to the situation of one particular set of litigants as against the other.

Mr. KING. Why would it not be a good idea to let the present mineral laws apply, and if improper persons have located, relegate them to the courts?

Mr. LACEY. That is exactly what should be done and what the gentleman from West Virginia [Mr. DAYTON] is not willing to do.

He desires now not to allow these men to fight their cases out under the statutes as they exist, but to do it under the laws as they will be after we have practically by statute decided the questions as between these parties.

Mr. SULZER. Does not the amendment offered by the gentleman from West Virginia change the law?

Mr. LACEY. Why, certainly, it is an entire change in the law, and it not only changes the law, but changes it as applicable to a part only of the United States. It does not attempt to give the same rights to litigants elsewhere, but is limited to this particular locality and as to these particular controversies growing out of the locations made by a few Laplanders and Norwegians.

Mr. CANNON. May I ask the gentleman a question?

Mr. LACEY. Certainly.

Mr. CANNON. Is it in the power of Congress so to change the law as to affect a vested right?

Mr. LACEY. Possibly it may be in some cases, especially where the so-called "vested right" is in the form of an easement, license, or privilege before patent. You can perhaps legislate a man out of a mining claim or impair his rights at any time before patent. It is a question as to when actual vested rights arise. Therefore the importance of this proposition becomes evident as between these prospective litigants. The contestants seek to take a change of venue from the courts at Cape Nome to the Committee on the Revision of the Laws.

Mr. DAYTON. Will my friend allow me to ask him a question right there?

Mr. LACEY. Yes.

Mr. CANNON. I want to ask my question right on that point, because I want to know about it. It is urged that certain parties have located claims at Cape Nome; and if they have located them, they have located them under some usage of law.

Mr. LACEY. Located them under the general mineral-land laws, which have by act of Congress been extended to Alaska.

Mr. CANNON. Under the general mineral-land laws. Now, I gather from the gentleman's statement that this is a proposition to make some other condition than what the general mineral-land laws make.

Mr. LACEY. Yes.

Mr. CANNON. That may affect the right of parties who have heretofore located claims.

Mr. LACEY. That they think will have that effect, or else it would not be applied for.

Mr. DAYTON. May I say a word right there?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. If I may have five minutes, I will yield to the gentleman from Iowa.

Mr. LACEY. I should like five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Iowa be extended for five minutes. Is there objection?

There was no objection.

Mr. CANNON. Now, if the gentleman is correct in that statement, so far as I am concerned, if I can find out that the proposed legislation accomplishes, or attempts to accomplish, what he thinks it does, I will not vote for it. But I want to know about it. In other words, if a man has located a claim under the law, he had better be left under the law as it existed at the time he located it, it seems to me.

Mr. LACEY. That is what I think.

Mr. DAYTON. Now, under this amendment—

Mr. LACEY. Under the law as it then was nobody could question the right of the Laplander to his claim, excepting the Government of the United States. He sold his claim to a bona fide purchaser, who paid him a valuable consideration for it—paid him, it is said, considerable money. Now, it is proposed that the law shall be changed so that the jumper or contestant of this claim may do that which the United States alone could heretofore do in the courts—come into court and raise the question of citizenship of the man who made the discovery. There is no pretense but what the Laplanders found the gold and located the claims. There is no pretense but that they sold the claims to American citizens.

Mr. GREEN of Pennsylvania rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. LACEY. I do.

Mr. GREEN of Pennsylvania. Were not all these claims located in absolute violation of the United States law?

Mr. LACEY. Not at all; they were located or attempted to be located in accordance with the United States law. But the only question was as to whether the men who made the location had taken the preliminary oath of citizenship before the proper officer—whether it should not have been before the clerk of the court instead of the commissioner. They had taken the proper oath. They had sworn in good faith that they intended to become citizens. They had gone to the only Federal officer within 2,200 miles to take the oath, and then they went out and dug into the ground and discovered the gold, located their claims, and sold them to citizens of the United States.

Mr. GREEN of Pennsylvania. The gentleman has not answered my question, Whether the Laplanders, in locating their claims, took them in violation of United States law?

Mr. LACEY. Not at all.

Mr. GREEN of Pennsylvania. That is the milk in the cocoanut.

Mr. BAILEY of Texas. Was there any fraud in this?

Mr. LACEY. None at all. The evidence shows that the Laplanders were told by Mr. Jackson and other Government officials that it was perfectly proper for them to go before the commissioner. They were sent a great many miles to go before a commissioner to take the oath before making the location. This is not denied.

Mr. DAYTON. Is it not true that the Laplanders were absolutely brought in by force and police intervention, on the ground that they must comply with their contract and go forward and locate these claims.

Mr. LACEY. That is in the gentleman's imagination.

Mr. DAYTON. That is the charge that is made.

Mr. LACEY. A great many allegations are made about this matter. The gentleman from Illinois [Mr. CANNON] is primarily responsible for this trouble by introducing a bill sending these Laplanders there with reindeer. [Laughter.]

Mr. BAILEY of Texas. They went there with the reindeer.

Mr. LACEY. They went in with the reindeer, and after they had taken in the reindeer they concluded to remain in the United States, and they are there yet.

Mr. BAILEY of Texas. They actually went there in the service of the United States.

Mr. LACEY. When they originally came there they came in charge of the reindeer. That is true also as to other men who

went there for other purposes. Some men went there in the Army and resigned their commissions and went out and took up claims. These men went there to take care of the reindeer, and they had just as much right, whenever they declared their intention to become citizens, as anybody else.

They were not taken there in violation of any law, but were taken there in accordance with law. They went there and they aided in rescuing, or at least some of their friends did, the whalers upon the North Sea, and they have pointed out a new method of living in Alaska which bids fair to change the entire condition of that Territory. A dog has to carry the amount of fish or meat that he is to feed on, while the reindeer can eat the moss that grows on the rocks and on the hillside; and the reindeer is the coming method of transportation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BAILEY of Texas. I want to ask the gentleman a question.

Mr. GAINES. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Iowa be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BAILEY of Texas. The question that I want to arrive at is, Does not this amendment assume to determine the rights to this location?

Mr. LACEY. No; it assumes to allow the contestants for this particular location to do that which they can not by any other statute. It is to enable them to call in the aid of the United States of America, and on their authority to declare that these men were aliens, and therefore ineligible to make a location.

Mr. BAILEY of Texas. As a matter of fact, if these men had no right to locate as they did, and under the circumstances, and these people contest, they can bring them into court as defendants and plaintiffs and have the matter adjudicated, can they not, as the matter now stands?

Mr. LACEY. No; I think not. That is what this amendment is for. At present they can not do it.

Mr. BAILEY of Texas. Why not?

Mr. LACEY. Because the rule of law as laid down by the Supreme Court of the United States and various Federal courts is that when a question of alienage arises that can not be presented unless it is on an application for a patent, or unless the Government, the nation, which is the only one that can complain, raises the question of citizenship on a contest.

The Government shows no disposition to make any exception. But these parties go out here where they find certain men have located claims which are esteemed valuable, and attempt to take them away on the ground of irregularity in the declaration of citizenship. But under the law they can not assert this claim. Only the Government can do so, and in the controversy between the claimants it is indifferent and will not interfere. Therefore they appealed to the Senate, and when the Senate turned them down they appealed to the House of Representatives; and now we have this amendment presented by the gentleman from West Virginia, authorizing the contestants of these claims to take the place of the United States and plead alienage.

Mr. BAILEY of Texas. I want to say to the gentleman from Iowa that if this were a contest that Americans raised against the locators or of American citizens between themselves, I would be inclined to allow them to do it; but, as I understand, the American who now holds them has bought their right.

Mr. LACEY. That is correct, with one exception. It is claimed that the men who bought the rights of the locators have more money than the men who are contesting these rights. In other words, the contestants need the claims worse than the men who bought out the original locators.

Mr. BAILEY of Texas. That is not material.

Mr. WARNER. The gentleman from Iowa [Mr. LACEY] talks as a lawyer would representing his client, as though he were interested in the claims up in Alaska, and taking one side on account of his interest in it. I know he has no such interest, and I look upon it as a question of policy. It is not how it would affect any two men quarreling over a claim in Alaska, but what is the proper rule to adopt, what law should we enact? We all know the laws of the United States absolutely prohibit an alien or a person who has not filed his declaration of citizenship locating a mining claim in the United States.

Notwithstanding that, they can come over here and take the choicest locations they can find and hold them against our native citizens until the United States puts them off. It will take three years to get a case down here before the Secretary of the Interior, have it decided by him, and have the aliens ejected, and by that time they have exhausted the placer claims and the decision matters nothing to them. This law provides simply for a different procedure. That in a case where the legality of the location of a

claim is questioned by another locator the question may be speedily brought before a local Alaska court and judicially settled and the party legally entitled to the property put in possession of it before it is exhausted and made worthless.

If this amendment is adopted, our mineral lands and placer claims will be saved to the citizens of the United States. If it is not, foreign jumpers can come in and take the claims and hold them and exhaust them before they can be ejected by a proceeding before the Secretary of the Interior at Washington. I am in favor of this amendment.

Mr. WILLIAMS of Mississippi. Will the gentleman from Illinois allow me a question?

Mr. WARNER. Certainly.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman this question: If this is passed as you have it, will you have any different state of law in Alaska from what you have for other mining sections of the United States?

Mr. WARNER. Under this law you will have a different state of procedure. This simply governs the procedure. Under the law as it now stands you must get the United States to move in the matter, and the parties must come down to the Secretary of the Interior. We do not change the law as to the legality of the claim. We only change the procedure.

Mr. WILLIAMS of Mississippi. But an American citizen in Alaska could do something in the way of ousting an alien from a mining claim which he could not do in Colorado.

Mr. WARNER. That is true; but that is no reason why he should not do it. The law should be extended all over the United States.

Mr. WILLIAMS of Mississippi. Well, then, why not make it a general law?

Mr. WARNER. You can not do it in a bill establishing a civil government for Alaska.

Mr. BAILEY of Texas. I thoroughly agree that the American citizen ought to have the right to contest even the question of alienage, because the right to locate depends upon that; but the difficulty in my mind is this: Here is an American citizen who, acting upon the law as established by the Supreme Court, has purchased in accordance with that law.

Now, you propose to go behind the purchase and establish a new and different rule of law than that which has heretofore prevailed. That seems to me to be the injustice. If it was a criminal proceeding, it would be unconstitutional, being ex post facto. Being civil, that prohibition does not apply, but it is none the less unjust.

Mr. WARNER. I am not appearing for any claimant in this case—

Mr. BAILEY of Texas. I have suggested nothing of that kind.

Mr. WARNER. I know you have not. Further, the rule of caveat emptor applies, and the purchaser can get no better title than the man from whom he purchased. There is something mixed up there as to personal rights. The man who purchased gets no better title and has no better standing anywhere than the man from whom he purchased under the laws of the United States.

Mr. BAILEY of Texas. Let us see as we go along, and see if we can agree. Has that always been true? It seems to me the court has said that you can not call into question the alienage, and therefore as between the man who located it and anybody else the question was adjudicated.

Mr. WARNER. There is where the gentleman from Texas is mistaken. The court has only said that no party other than the United States could bring it into question. In this case it allows the citizen to bring it in question. The United States authorities or the Attorney-General can not divest the citizen of the United States of his rights if this law is passed.

Mr. BAILEY of Texas. If you want to pursue the law as heretofore existing, you do not need this amendment. The very presentation of the amendment is an admission—indeed, an assertion—that you do want to change existing law.

Mr. WARNER. Most certainly.

Mr. BAILEY of Texas. I understood the gentleman to say, in response to the gentleman from Mississippi, that if this amendment should be adopted, a different rule of law would prevail in Alaska from that which prevails in Colorado or elsewhere.

Mr. WARNER. Not at all; not a different rule of law, but a different rule of procedure. The law would be just the same; this is simply a different way of getting at it.

Mr. BAILEY of Texas. Is not a rule of procedure a rule of law?

Mr. WARNER. Not technically. A rule of law determines a man's rights.

[Here the hammer fell.]

Mr. TERRY. Mr. Chairman, if I understand correctly the statement of this case made by the gentleman from West Virginia, it presents about this condition of affairs: It is charged

that the American citizen who bought these claims from aliens procured the aliens to make a large number of entries which they knew they had no right to make. If that be true, it presents a case of fraud. Now, under the law as it stands, although that American citizen may have procured the act to be done by men who he knew had no right to do it, yet he can secure the benefit of that proceeding unless we pass this amendment.

Mr. DAYTON. That is exactly it. And allow me to suggest that under the rule of law the assignor can obtain no better standing by reason of his citizenship than the other man has.

Mr. TERRY. Now, if we do not do something in this matter, the man who fraudulently procured this act to be done can, under the present law say "I am an American citizen; I bought from an alien, and nobody but the United States can challenge my title." In other words, we allow him to take the benefit of his own wrong and his own fraud.

Now, as to the suggestion that we ought to make this provision apply to Colorado, Montana, and everywhere else. It is perfectly patent that all we can do in an Alaska bill is to provide for Alaska conditions, and they are exceptional. That country is very remote from here, and while we are on the Alaska bill let us meet this case, if it is anything like what the gentleman from West Virginia says it is; if it is not, then the courts can so determine.

We are not trying the case here, but we ought to afford some convenient method of procedure by which American citizens can vindicate their rights against illegal alien entries and against those who have fraudulently procured such entries to be made. If, as the gentleman from Iowa [Mr. LACY] claims, the law as it now stands validates the title of an American citizen who bona fide buys the claim entered by an alien, such purchaser will not be hurt by this amendment, if I correctly caught its reading. The court will be left to pass upon that question.

Mr. MONDELL. Mr. Chairman, this amendment, it seems to me, is for the purpose of encouraging litigation and claim jumping. By it the mineral laws of the United States, now applicable to all portions of the United States, are changed with reference to Alaska, and Alaska alone. There is no demand, and there never has been any demand anywhere within the United States, for such a change in the law or the procedure as this amendment contemplates, nor is it necessary there should be any such change unless we wish to divest men of their acquired rights, unless we wish to encourage claim jumping, unless we wish to encourage litigation.

It is not strictly true that the Government alone can raise the question of citizenship. Wherever two parties have a valid claim to a tract of land under the mining laws, and either of the parties applies for a patent, the question of citizenship can be raised either in Alaska or anywhere else where the mining laws of the United States are in force. It seems that there were a few persons, relative to whose citizenship there is some question, who located claims in Alaska, and it seems that some of those claims are valuable.

Now, it is proposed to institute a new procedure under the mining laws there, and, in advance of the settlement of other questions which may arise in regard to a mining claim, to permit the local courts to pass upon the question of citizenship, and that question alone, and to eliminate from such proceedings there instituted all questions as to vested rights—all questions as to rights of parties who may be claiming under the original locators. We of the Rocky Mountain States—at least I can speak for my own State, a mineral State—do not wish any such amendment to the mineral laws of the United States to apply in our States, and in my opinion what is not good law in one part of the country in this regard is not good law in another.

It has never been demanded by miners in our region, and it is not demanded, in my opinion, by any bona fide locator anywhere in the United States—Alaska or anywhere else. It is an amendment intended simply to give would-be claim jumpers an opportunity to litigate certain claims located in Alaska by raising the question of citizenship relative to claims already located in a manner not allowed elsewhere. In due course of time, when application is made for patent, this question can and no doubt will be raised.

But if, as regards any one of the claims located in Alaska, a citizen of the United States has a valid claim to any of the land which it is said has been located by aliens, that will give him the right to apply for a patent, and upon that application for a patent the question of citizenship can be raised and decided. It seems to me that it is unwise to provide a rule of law regarding Alaska which the people who for many years have operated under the mining-land laws in other portions of the United States have not found necessary or desirable.

Mr. GAINES. You disagree with the gentleman from Iowa on the law. He says the law is one way and you say it is another.

Mr. KING. As I understand the amendment which has been offered by the gentleman from West Virginia [Mr. DAYTON] it is at variance with the present mineral-land laws of the United States. Those laws have been operative for a great many years,

Mr. DAYTON. It does not differ with the laws, but with the method of procedure.

Mr. KING. Well, I do not differentiate, as does my friend and as does the gentleman from Illinois [Mr. CANNON], who recently addressed the committee, between the procedure and the law itself.

The people of the West are familiar with the present mineral-land laws. They have been in operation for a great many years and have proven satisfactory to those who are familiar with them and have been subject to their operation. The titles to many valuable mining properties were deraigned from persons who went upon the public domain and located claims, who, perhaps, at the time were not citizens of the United States.

In many instances the locators of mining claims, through some technicality or informality, were not held to be citizens of the United States, but they located in good faith, they conveyed their title to other persons, who expended large sums of money in the development of the mining claims and in building up mining districts.

The principal thing in which the people of the United States are interested is the development of the mining resources of the country. It is not so important who digs the hole in the ground and who extracts the mineral. The desire should be to so legislate as to offer no unnecessary restrictions in the opening up of the mineral deposits of our country and the development of our great mineral resources.

We desire the gold and silver, which nature has given us in such rich abundance, taken from the earth and used for the enrichment of all. It is not so material who takes it from the ground. Our present system is liberal. It was the result of the sagacity and wisdom of Americans who planted our flag in the mountain fastnesses, and out of their head common sense evolved a system which has been crowned with beneficent results. It would be unwise now to inaugurate a system at variance with that which prevails. This amendment proposes that a man who as an alien has located a claim in Alaska, shall be governed by a different rule of law from that which is applied to aliens who may have located in Utah or California or Nevada; that the man who has deraigned title from an alien who located in Alaska shall have a different rule of law applied to his ownership and to the determination of his title than that which governs the individual who succeeded to the title of an alien, acquired from the Government, who located in California or Utah or Nevada or some other State or Territory.

Though there has been litigation growing out of the location of lands by alleged aliens, I want to say that the present law has been entirely satisfactory to mining communities and those who have invested extensively in mining properties in the Western States and Territories.

My friend says that the doctrine of caveat emptor applies to these locations in Alaska. Well, grant that it does. The purchaser of a mining claim, located perhaps by an alien, knows that in the past, under the decisions of our State and Federal courts, he acquired a good title, and that if he surveyed the land, performed \$500 worth of work on the claim, applied to the Land Office for a patent, and fully complied with all the rules and regulations of the district and the laws of the State or Territory and the United States, he would not be met at the threshold by some man who could defeat his purpose to obtain title by saying, "You have succeeded to the title of an alien and therefore you can not procure title." This proposed amendment makes a distinction between the man who succeeds to the title of an alien in Alaska and one who succeeds to the title of an alien in Utah or California or some other State.

Mr. DAYTON. Will the gentleman pardon me right there?

Mr. KING. With pleasure.

Mr. DAYTON. The courts and the Department have held that a citizen who takes as the assignor of an alien can obtain no better right than the original locator.

Mr. LACEY. They have held the other way.

Mr. DAYTON. They have held exactly that.

Mr. KING. The courts have held that no one but the Government can complain, when there has been a proper location and the transferee of the locator, after all rules, regulations, etc., have been complied with, applies for patent, because the original locator may have been an alien. In other words, if A, an alien, locates on mineral lands, develops the claim, and, by proper conveyance, transfers the property which he has located to a citizen of the United States, and the latter complies with all laws and regulations, develops the claim, and makes application for patent, the Government will heed his application and give him a patent, notwithstanding he succeeded to the title of an alien and that his right to a patent rests in the first instance upon the act of the alien who entered upon the public domain.

If a person discovers mineral on the public land, carves out a claim, locates it, takes possession of it, and by his toil and trials develops it, and in time conveys to another, who in turn seeks patent from the Government, it would be unjust to deny the

application, eject the possessor from the land, and give it to some sharper who entered thereon, knowing of the claims made and the work performed, simply because the locator may not have been a full-fledged citizen of the United States.

[Here the hammer fell.]

Mr. WARNER. I move that the committee do now rise.

The motion was rejected.

The CHAIRMAN. The question is on the amendment.

Mr. GREEN of Pennsylvania. Mr. Chairman, I favor the amendment. I think if there ever has been a flagrant case of violation of the law it is the one that this amendment seeks to cover. Here were a lot of men sent up there from the northern part of China, brought over with United States Government money, to take care of a few reindeer, and they located in that country in charge of a superintendent paid by the Government, and at the time of the gold discoveries were still in the pay of the Government. They did not discover gold there. Other men discovered the gold in that part of the Cape Nome country, and the superintendent brought this horde of Chinese down to the neighborhood of the discoveries, and they occupied that country so that Americans could not locate claims on a large part of the rich lands in the Nome region.

That is the truth about this matter, and we are to say here to-day whether their locations are to be maintained, in the hands of the original Chinese locators or of those who bought them knowing them to be illegally located and held without warrant of law, knowing that they had no right to locate, and that they located against the plain provisions of the law. That is the plain question. I think this amendment ought to be passed. In my State when title is questioned and sought to be recovered by an action of ejectment, you can go back to the beginning. You can show that the party has no right and never had a right, and that the party who purchased purchased of a man who had no right. I think a claimant ought to be allowed to show that in Alaska and in every State in the Union, and because a different principle may have been observed or established in the present laws I do not think that is any good reason for us to continue it in the Alaskan code.

Mr. WARNER. I move that all debate on the pending amendment and section be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. DAYTON].

The question being taken, on a division (demanded by Mr. DAYTON) there were—ayes 20, noes 52.

Accordingly the amendment was rejected.

And then, on motion of Mr. WARNER, the committee rose; and the Speaker having resumed the chair, Mr. JENKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes, and had come to no resolution thereon.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I submit a report from the conference committee on the Army appropriation bill. I will say to the House that the only change made in this report is to strike out amendment 16, the Senate receding from the amendment establishing the library in Manila. With that one exception, it is identical with the report submitted yesterday to the House. The House conferees understood the House to be satisfied with the report, with that exception. The conferees now submit a report which is in accordance with the wishes expressed by the vote of yesterday, and I move its adoption.

The SPEAKER. The gentleman from Iowa moves the adoption of the conference report.

Mr. SULZER. How long is the report?

Mr. HULL. It is in the RECORD of this morning with the exception of the one change which I have stated. It is very long.

Mr. SULZER. Is it unanimous?

Mr. HULL. It is a unanimous report of both the Senate and House conferees.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16 and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, and 48, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the matter inserted by the Senate amendment, and in lieu of the matter stricken out insert the following: "For the purpose of connecting headquarters, Department of Alaska, at St. Michael, by military telegraph and cable lines with other military stations in Alaska, \$450,550;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out of the matter inserted by said amendment,

after the word "owned," the following: "wholly or in part;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment and insert in lieu thereof the following: "seven hundred thousand;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment and insert in lieu thereof the following: "four million eight hundred thousand;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: After the word "dollars," at the end of the amended paragraph, insert the following: "Provided, That the Secretary of War is empowered to appoint as many hospital stewards as in his judgment the service may require, not to exceed an additional one hundred, but no more than one hospital steward shall be stationed at one post or station without special authority from the Secretary of War;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For additional pay for increased rank when in command by competent authority, \$50,000: Provided, That no part of this sum shall be used for pay of officers assigned to higher command than their rank in the Army, unless such service shall be continuous for a period of not less than three months;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the closing words of the paragraph, as follows: "transportation now made, and such other expenses as are necessary" and insert in lieu thereof the following: "current expenses;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following:

"That the act approved January 12, 1890, granting extra pay to officers and enlisted men of the United States Volunteers, shall extend to all volunteer officers of the general staff who have not received waiting-orders pay prior to discharge, at the rate of one month to those who did not serve beyond the limits of the United States and two months to those who served beyond the limits of the United States; and officers and enlisted men of volunteer organizations who have served honestly and faithfully in the Volunteer Army of the United States during the war with Spain and have been honorably discharged without furlough, or by reason of their services being no longer required, or at any time by reason of wounds received, or disability contracted in the service and in the line of duty, and who have not received the extra pay granted in said act, or in subsequent acts of Congress supplemental thereto; and this act shall be deemed to apply to officers of volunteers who resigned and enlisted men of volunteers who were discharged upon their own applications subsequent to the issue of orders for the muster out of their organizations and prior to the dates of muster out."

And the Senate agree to the same.

J. A. T. HULL,

THOS. M. JETT,

Managers on the part of the House.

JOS. R. HAWLEY,

THOS. H. CARTER,

F. M. COCKRELL,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

STATEMENT ON THE ARMY APPROPRIATION BILL.

The conferees of the two Houses have reached an agreement. The House recedes from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, and 48, and agree to the same.

No. 1: Is simply the use of a word and has no bearing whatever on the law.

No. 5: Affects the length of service pay for officers, and the House agree to the Senate amendment, leaving the law as it is now.

No. 6, given by the Senate: Affects the law for allotments of pay of enlisted men of the United States Army, and is necessary to carry out the original law.

Nos. 7, 8, 9, 10, 11: Increase pay of old clerks at department headquarters, making their pay equal with that of other bureaus of the War Department. It makes no increase in the number of clerks, but it increases 3 clerks \$400 a year each, and 6 clerks \$300 a year each, and leaves the others as they are now provided for by law, and leaves the number of clerks at headquarters the same as now provided for by law.

No. 12: Is a restoration of the law as it has existed for some years, authorizing the Secretary of War to employ and assign messengers and clerks at headquarters.

No. 13: Simply makes permanent law for the pay of regimental sergeant-majors and regimental quartermaster-sergeants of artillery and infantry, which was omitted from the law for the permanent military establishment of the United States.

No. 14: Simply gives to the enlisted men of the Spanish war what has been given to the enlisted men of other wars, double time in estimating service for the retirement of enlisted men.

No. 15: Is new legislation to reimburse contract nurses who gave their services before the law was passed authorizing their employment. They gave good service which was accepted by the War Department, and their claims would be paid by the War Department but for the fact that at the time of such service no law authorized the payment of their salary or expenses.

No. 17: Is entirely new legislation to establish an Army war college corresponding to a similar establishment which has long been in use for the Navy.

No. 18: Is the readjustment of the clerks' salaries, for clerks for the paymasters of the United States Army, and is an increase of \$400 a year for all clerks who have served over fifteen years continuously, and of \$200 a year to clerks serving continuously over ten years. As these clerks are compelled to go from point to point with the paymaster, they are at greater expense, and this puts them on equality with clerks in Washington.

Nos. 20, 21, 22, 23, 24, 25, and 28: All apply to mileage of officers, and the amendments made by the Senate, it is believed, will bring the matter in harmony between the Treasury and Pay Department, so that hereafter we will not be called upon to make changes in this difficult proposition.

No. 27: Is a repeal of the old law passed in 1813 by which discharged officers received one day's pay of his rank for each 20 miles' travel, and each enlisted man discharged one day's pay for each 20 miles' travel, and allows them 4 cents a mile for both officers and men. The change is largely made with the officers, and leaves the enlisted men receiving about the same as they received before.

No. 31: Is simply a change of a capital in a word.

No. 32: Is simply insertion of quotation marks and does not change the sense.

No. 33: Is simply inserting the word "it."

No. 34: Inserts the word "civil" to make it clear the pay for arrest of deserters can not go to Army officers.

Nos. 35 and 36: Simply changes the grammar.

No. 37: Simply makes clear the amount was appropriated.

Nos. 38, 39, and 40: Simply changes the grammar.

Nos. 41 and 42: Simply the transposition of some words, striking them out at one place and inserting them in another.

No. 43: Provides for the issue of ammunition for use at burials of sailors and soldiers at State homes and to extend to State homes the same supplies as given to the National Homes.

No. 45: For morning and evening gun service at State homes.

No. 46: Permission that one member of the Board of Managers can admit to the National Home for Disabled Volunteer Soldiers in place of requiring three members of the Board of Managers.

No. 48: Admits any soldier to the Home who served in any war in which the country has been engaged.

To all the foregoing the House agrees to the same.

The Senate recedes from amendment No. 16, which provides for the establishment of a library at Manila.

The Senate recedes from amendment No. 47, which provides for limitation on admission to Soldiers' Home of those soldiers who did not serve in the Confederacy.

To amendment No. 2: The House recedes from its disagreement and agrees to the same with amendments which simply provides for connecting St. Michael, Department of Alaska, with other military posts in Alaska, leaving the details to be worked out by the Department.

No. 3: The House recedes from its disagreement and agrees to the same with amendment, which strikes out the words "wholly or in part," so it would not deprive foreigners from owning stock in corporations; but it is required that the corporations shall be operated and controlled by citizens of the United States.

No. 4: The House recedes from its disagreement and agrees to the same with amendment, making appropriation of five million seven hundred thousand. The House recedes from its disagreement and agrees to the same with amendment, which makes appropriation of \$4,800,000.

House recedes from its disagreement to Nos. 28 and 29, which deals with contract surgeons, increasing the number from 400 to 450, and agrees to same with amendment, which authorizes the Secretary of War to appoint not to exceed 100 hospital stewards.

No. 30: The House recedes from its disagreement and agrees to the same with amendment which provides that no payments shall be made to officers serving in higher command unless such shall be for a period of not less than three months.

No. 44: The House recedes from its disagreement and agrees to the same with amendment, strike out provision down to the end of the paragraph and insert "current expenses," so that the Soldiers' Home may pay for the transportation of condemned cannon for the Homes out of current expenses.

No. 49: The House recedes from its disagreement and agrees to same with amendment. This agreement gives to all the men of the Homes their pensions, and repeals the law which shuts out soldiers of the Mexican war from any privileges of the Home, and making it so that hereafter such soldiers can be admitted to the Home.

No. 50: The House recedes from its disagreement and agrees to the same with amendment, which will put all officers of the line and staff of the Volunteer Army on an equal footing, as far as extra pay on discharge is concerned, with those heretofore having this pay, and puts the First, Second, and Third Volunteer Cavalry, together with those other organizations of the United States forces not heretofore receiving it, on the same basis as to pay on discharge that other troops of the United States have had.

J. A. T. HULL,
B. F. MARSH,
THOS. M. JETT,

Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

CHINESE IN THE PHILIPPINE ISLANDS.

The SPEAKER laid before the House the following message of the President of the United States; which was read, ordered to be printed, and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, relative to the status of Chinese persons in the Philippine Islands.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, May 22, 1900.

PROGRESS OF THE BEET-SUGAR INDUSTRY IN THE UNITED STATES.

The SPEAKER also laid before the House the following message of the President of the United States; which was read, ordered to be printed, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, a communication from the Secretary of Agriculture forwarding a report on the progress of the beet-sugar industry in the United States during the year 1899. It embraces the observations made by a special agent on the various phases of the beet-sugar industry of the Hawaiian Islands; also the results of analyses of sugar beets received by the Department of Agriculture from the different States and Territories, together with much other information relating to the sugar industry.

Your attention is invited to the recommendation of the Secretary of Agriculture that 20,000 copies of the report be printed for the use of the Department, in addition to such number as may be desired for the use of the Senate and House of Representatives.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, May 22, 1900.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10538. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901;

H. R. 11081. An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.;

H. R. 9711. An act making appropriation for fortification and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 8369. An act to detach the county of Concho from the western judicial district of Texas and attach the same to the northern judicial district of Texas, and for other purposes;

H. R. 9879. An act to detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California; to divide said southern district of California into two divisions, and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles;

H. R. 2156. An act for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased; and

H. R. 6634. An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

ANDREW F. DINSMORE.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, considered, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate (3215) granting an increase of pension to Andrew F. Dinsmore.

CHANGE OF REFERENCE.

The bill (S. 3917) providing for the rebuilding of the Navy-Yard Bridge, Washington, D. C., which had been referred to the Committee on the District of Columbia, was referred to the Committee on Appropriations.

COUNCIL OF THE INTERPARLIAMENTARY UNION.

Mr. BARTHOLDT. Mr. Speaker, I desire to present a communication that I desire the Clerk to read.

The SPEAKER. The gentleman from Missouri asks unanimous consent to have read the following communication.

Mr. SULZER. What is the nature of it?

The SPEAKER. It has reference to an invitation of the House and Senate to attend the council of the Interparliamentary Union, to be held in Paris.

Mr. RICHARDSON. It is not political, as I understand.

The SPEAKER. Not at all. Let it be reported, and then the House can decide whether it shall go into the RECORD or not. It is read for the information of the House.

The Clerk read as follows:

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives.

SIR: As members representing the United States on the Council of the Interparliamentary Union, we are authorized and requested to present to the members of the Senate and House of Representatives of the United States an urgent invitation to attend the tenth session of the Interparliamentary Union, which will be opened in Paris, in the senate chamber at the Luxembourg Palace, July 31, 1900, and continue for several days.

The Interparliamentary Union is an international association composed of members of the different national parliaments of the world. Its object is to promote the cause of international arbitration, and the development of international law.

Any senator or member of the house of any national legislative body is eligible to membership, and will be cordially welcomed at its sessions. Those members who are going abroad and may be able to attend the conference are requested to notify the Clerk of the House. Those who will not be able to attend in person the approaching session at Paris will have an opportunity shortly to join the American group of members of the Interparliamentary Union, and thus to place themselves in affiliation with the great body of European legislators, several hundred in number, representing the parliaments of eighteen different nations who believe in an appeal to arbitration whenever possible for the settlement of international difficulties.

Respectfully submitted.

RICHARD BARTHOLDT.
S. J. BARROWS.

The SPEAKER. Without objection, this will be printed in the RECORD. [After a pause.] The Chair hears none.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Interior, transmitting, with a copy of a letter from the General Land Office, additional information in regard to forest reserves, was taken from the Speaker's table, referred to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on Mines and Mining, to which was referred the bill of the Senate (S. 3982) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862, reported the same with amendment, accompanied by a report (No. 1631); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10350) to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana, reported the same with amendment, accompanied by a report (No. 1636); which said bill and report were referred to the House Calendar.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11000) providing a means of acquiring title to two groves of *Sequoia gigantea* in the State of California, with a view to making national parks thereof, reported the same with amendment, accompanied by a report (No. 1637); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4615) to facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the Territory of Hawaii and the United States, reported the same without amendment, accompanied by a report (No. 1641); which said bill and report were referred to the House Calendar.

Mr. DAVEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9154) granting authority to Alafia, Manatee and Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon, reported the same with amendment, accompanied by a report (No. 1642); which said bill and report were referred to the House Calendar.

Mr. BARHAM, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11281) permitting building a dam across New River, reported the same with amendment, accompanied by a report (No. 1643); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the resolution of the House (H. Res. 263) relating to reports of E. G. Rathbone, reported the same without amendment, accompanied by a report (No. 1644); which said resolution and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10622) for a marine hospital at Buffalo, N. Y., reported the same without amendment, accompanied by a report (No. 1649); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 11548) to authorize the Kingston Bridge and Terminal Railway Company to construct a bridge across the Clinch River at Kingston, Tenn., reported the same with amendment, accompanied by a report (No. 1650); which said bill and report were referred to the House Calendar.

Mr. BARTHOLDT, from the Committee on Levees and Improvements of the Mississippi River, to which was referred the bill of the Senate (S. 419) amending the act providing for the appointment of a Mississippi River Commission, etc., approved June 28, 1879, reported the same without amendment, accompanied by a report (No. 1651); which said bill and report were referred to the House Calendar.

Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11719) amending section 5270 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 1652); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered

to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2030) for the relief of Samuel I. Gustin, reported the same with amendment, accompanied by a report (No. 1632); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, reported the bill of the House (H. R. 11788) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, accompanied by a report (No. 1633); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 253) for the relief of Anna R. Kershner, administratrix of the estate of Col. Philip Kershner, reported the same without amendment, accompanied by a report (No. 1634); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the resolution of the House (H. Res. 269) referring the claim of the legal representatives of John H. Jones and Thomas D. Harris to the Court of Claims, reported the same in lieu of H. R. 10954, accompanied by a report (No. 1635); which said resolution and report were referred to the Private Calendar.

Mr. PHILLIPS, from the Committee on Claims, to which was referred the bill of the House (H. R. 3095) for the relief of Arthur L. Flint, reported the same with amendment, accompanied by a report (No. 1638); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 4853) for the relief of the heirs at law of Edward N. Oldmixon, reported the same with amendment, accompanied by a report (No. 1639); which said bill and report were referred to the Private Calendar.

Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 1231) for the relief of Virginia I. Mullan, of Annapolis, Md., reported the same without amendment, accompanied by a report (No. 1640); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 1654) for the relief of George W. Graham, reported the same without amendment, accompanied by a report (No. 1645); which said bill and report were referred to the Private Calendar.

Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 403) for the relief of Theodore J. Arms, assistant paymaster in the United States Navy, reported the same without amendment, accompanied by a report (No. 1653); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10416) for the relief of Elizabeth L. W. Bailey, administratrix, etc.—Committee on Appropriations discharged, and referred to the Committee on Claims.

A bill (H. R. 191) granting a pension to Laura P. Lee—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3750) for the relief of Fred Weddle—Committee on Immigration and Naturalization discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPALDING: A bill (H. R. 11785) to provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad Company across the Red River of the North at Fargo, N. Dak.—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 11786) to declare a branch of the Mississippi River opposite the city of La Crosse, Wis., and known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON (by request): A bill (H. R. 11787) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.—to the Committee on Interstate and Foreign Commerce.

By Mr. RODENBERG: A bill (H. R. 11789) amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair

County, Ill., and the southwest line of said county," approved March 3, anno Domini 1897—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES: A bill (H. R. 11790) to define trusts, to protect trade and commerce against unlawful restraints, and to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GIBSON, from the Committee on War Claims: A bill (H. R. 11788) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department—to the Private Calendar.

By Mr. ACHESON: A bill (H. R. 11791) granting a pension to Christian L. Livingston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11792) granting an increase of pension to A. J. Weaver—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 11793) to remove the charge of desertion from the military record of Julius Shelley—to the Committee on Military Affairs.

By Mr. BOWERSOCK: A bill (H. R. 11794) granting a pension to Martha R. Divelbiss—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 11795) granting a pension to Columbus S. Whitaker—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 11796) to grant a pension to Samuel Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11797) to grant a pension to James S. Peery—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 11798) to increase the pension of Lealdes F. Laverty—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 11799) for the relief of William E. Cummin—to the Committee on War Claims.

By Mr. GAYLE: A bill (H. R. 11800) for the relief of D. W. Price—to the Committee on Claims.

By Mr. HALL: A bill (H. R. 11801) appropriating money to pay William F. Tucker for services and expenses as acting captain and drillmaster of Company D, One hundred and fifth Regiment Pennsylvania Volunteers—to the Committee on War Claims.

By Mr. KERR: A bill (H. R. 11802) granting an increase of pension to Jacob C. Martin—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 11803) to remove charge of desertion from Joshua Howard—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 11804) for the relief of Louisa Poole—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 11805) granting an increase of pension to Henry E. Smith—to the Committee on Invalid Pensions.

By Mr. RYAN of Pennsylvania: A bill (H. R. 11806) granting a pension to Edward Hanse—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 11807) granting an increase of pension to John H. Bliss—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11808) granting an increase of pension to Henry P. Hudson—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 11809) granting a pension to Mary J. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11810) granting a pension to Myers Uhlfelder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11811) for the relief of Mrs. Mary Shannon, widow and administratrix of the estate of Joseph R. Shannon, deceased—to the Committee on War Claims.

By Mr. WATERS: A bill (H. R. 11812) granting an increase of pension to Daniel E. Turner—to the Committee on Invalid Pensions.

By Mr. WILLIAM E. WILLIAMS: A bill (H. R. 11813) to remove the charge of desertion from the record of John G. Kelley—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 11814) granting a pension to George W. Rush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11815) granting a pension to Jennie Langtree—to the Committee on Invalid Pensions.

By Mr. GIBSON, from the Committee on War Claims: A resolution (H. Res. 269) referring the claim of the legal representatives of John H. Jones and Thomas D. Harris to the Court of Claims, in lieu of H. R. 10954—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Pittsburg (Pa.) Coal Exchange, for an appropriation of \$60,000 for the construction of

a new light-house steamer to take the place of the condemned *Joseph Henry*—to the Committee on Appropriations.

Also, petition of the Woman's Christian Temperance Union and citizens of Midway, Pa., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. BABCOCK: Papers to accompany House bill No. 11784, granting an honorable discharge to John W. Thomas—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of Kelly Post, No. 410, Grand Army of the Republic, of Vineland, Kans., in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BRANTLEY: Petition of T. S. Paine and other retail druggists of Waycross, Ga., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of citizens of Georgia, for pension to Indian war survivors—to the Committee on Pensions.

By Mr. BOUTELLE of Maine: Petition of Minot Packing Company, of Mechanic Falls, Me., favoring House bill 7667, in the interest of packers of sweet corn—to the Committee on Agriculture.

By Mr. BURLESON: Petition of Hardcastle & Co., Lexington, Tex., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DOVENER: Paper to accompany House bill granting a pension to Samuel Richards—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petitions of First Presbyterian Church, First United Presbyterian Church, and Second United Presbyterian Church, of Verona and Oakmont boroughs, Allegheny County, Pa., and Woman's Christian Temperance Union of McDonald, Pa., and Woman's Christian Temperance Union of the Cumberland Presbyterian Church of Pittsburg, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, etc.—to the Committee on Military Affairs.

Also, petition of Fort Logan Improvement Club, Fort Logan, Colo., favoring the establishment of a Soldiers and Sailors' Home at or near Denver, Colo.—to the Committee on Military Affairs.

Also, petition of Sister Louise, in charge of Providence Hospital, for an appropriation to build an addition to the hospital for persons unable to pay—to the Committee on the District of Columbia.

By Mr. GREENE of Massachusetts: Petition of Louis V. Cabana and others, of Fall River, Mass., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of the regular congregation of Christ's Worshipers, Dartmouth, Mass., urging the enactment of the anticanteen bill—to the Committee on Military Affairs.

By Mr. KETCHAM: Petition of Wicoppee Grange, No. 876, Patrons of Husbandry, of New York, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. LANDIS: Paper to accompany House bill granting an honorable discharge to Joshua Howard—to the Committee on Military Affairs.

By Mr. LEWIS: Petitions of the King Drug Company, of Rochelle, Ga., and W. A. Cherry, of Abbeville, Ga., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LONG: Petition of F. M. Borger, J. F. Josserand, and other cattlemen of Gray County, Kans., against the leasing of public lands to cattle syndicates and for other purposes—to the Committee on the Public Lands.

By Mr. NEVILLE: Resolution of the Union Commercial Club, of Lincoln, Nebr., in opposition to House bill No. 887, relating to the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of the worshipful master and wardens and members of Lagrange Lodge, No. 81, Free and Accepted Masons, Lagrange, Tenn., for allowance of war claim—to the Committee on War Claims.

By Mr. SHOWALTER: Petition of Cranberry Grange, No. 908, of Butler County, Pa., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Lawrence County, Pa., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. SLAYDEN: Petition of merchants of San Antonio, Tex., for the repeal of the tax on medicines, perfumeries, and cosmetics—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Resolutions of the Woman's Christian Temperance Union and churches of Oxford, Mich., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and

a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. SPALDING: Petition of the Woman's Christian Temperance Union and 43 citizens of Engleville, N. Dak., in favor of the anti-canteen bill—to the Committee on Insular Affairs.

Also, resolutions adopted at a conference of the governors of arid-land States, held in Salt Lake City, Utah, in relation to the public arid lands of the United States—to the Committee on Irrigation of Arid Lands.

Also, petition of F. W. Burrows, S. A. Klov, and other retail druggists, Cooperstown and Bathgate, N. Dak., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Holland Dames of the New Netherlands, New York, urging the selection of a national hymn, to be used and known as such, and suggesting the "Star Spangled Banner"—to the Committee on the Judiciary.

By Mr. WACHTER: Petition of Louis Schulze and 108 wholesale and retail druggists of Baltimore, Md., in favor of the pure food and drug bill—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill granting a pension to John D. C. Adams—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Myers Uhlfelder, private, Fourth Regiment Maryland Volunteers—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Mrs. Mary Shannon, administratrix of the estate of Joseph R. Shannon, deceased—to the Committee on War Claims.

By Mr. JAMES R. WILLIAMS: Petition of J. A. Kinnaman and other soldiers in the late civil war, residing in Flora, Ill., for the passage of a civil-pension bill—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Jennie Langtree—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of the A. Colburn Company, Philadelphia, asking for the defeat of Senate bill No. 4047, as affecting the manufacture of baking powder—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philadelphia Engineering Works, Limited, relating to Senate bill No. 4300, and the organization of officers in the Ordnance Department—to the Committee on Military Affairs.

Also, petition of George W. Atherton, of the Pennsylvania State College, asking for the passage of Senate bill No. 3982, for the establishment of department of mines in connection with land-grant colleges—to the Committee on Education.

SENATE.

WEDNESDAY, May 23, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. FAIRBANKS. I ask unanimous consent that the further reading of the Journal may be dispensed with.

Mr. KEAN. I think the Journal had better be read.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). Objection is made. The reading of the Journal will be continued.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

COLLECTION OF CUSTOMS REVENUE.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, recommending that the further sum of \$100,000 be appropriated for the expenses of collecting the revenue from customs of accounts to be presented after the close of the fiscal year, etc.; which was referred to the Committee on Appropriations, and ordered to be printed.

BUREAU OF STATISTICS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, recommending that an appropriation of \$540 be made for the rental of an additional room in the Adams Building for the accommodation of the Bureau of Statistics, Treasury Department; which was referred to the Committee on Appropriations, and ordered to be printed.

COLUMBIA RIVER IMPROVEMENT.

The PRESIDING OFFICER. The Chair lays before the Senate a dispatch sent by the Portland (Oreg.) Chamber of Commerce to the President of the Senate, and will ask that it be read, if there be no objection. The Chair thinks that the practice of reading telegrams in the nature of petitions is hardly within the rule, but it has been customary.

The telegram was read and referred to the Committee on Commerce, as follows:

[Telegram.]

PORTLAND, OREG., May 22, 1900.

The President of the United States Senate, Washington, D. C.:

The people of Oregon earnestly request emergency appropriation of

\$250,000 for repairing the present jetty and putting plant in order for improvement mouth of Columbia River, of which Oregon delegation and chief engineers fully informed these repairs absolutely necessary for holding channel from further shoaling as far as can be done until appropriations allowed for extending the jetty.

PORTLAND CHAMBER OF COMMERCE.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 3215) granting an increase of pension to Andrew F. Dinsmore.

The message also announced that the House had passed the joint resolution (S. R. 76) withdrawing certain lands on the island of Oahu, Hawaii, from the public domain.

The message further announced that the House had passed with amendments the bill (S. 3490) in relation to admissions to and dismissions from the Reform School of the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5450) to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory;

A bill (H. R. 6882) limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes;

A bill (H. R. 9827) to close all alleys in block 3 of the Walbridge subdivision of Ingleside, in the county of Washington; and

A bill (H. R. 10380) to extend to certain publications the privileges of second-class mail matter as to admission to the mails.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 2156) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased;

A bill (H. R. 6634) to enlarge the powers of the Department of Agriculture prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes;

A bill (H. R. 8369) to detach the county of Concho from the western judicial district of Texas and attach the same to the northern judicial district of Texas, and for other purposes;

A bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

A bill (H. R. 9879) to detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California; to divide said southern district of California into two divisions, and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles.

PETITION.

Mr. DAVIS presented a petition of the State Homeopathic Institute of Minnesota, praying for the enactment of legislation providing arsenization prophylaxis of Asiatic cholera and yellow fever; which was referred to the Committee on Public Health and National Quarantine.

BIG TREES OF CALIFORNIA.

Mr. PERKINS. I present a report, with accompanying illustrations, on the big trees of California, which has been prepared by the Division of Forestry, Department of Agriculture. I move that the report be printed as a document, in accordance with the recommendation of the Secretary of Agriculture.

The motion was agreed to.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. COCKRELL. I present a copy of the opinion of the Attorney-General relative to the contract entered into by the United States with James B. Eads for the improvement of the South Pass of the Mississippi River. I move that the opinion be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 4073) granting an increase of pension to Robert A. Edwards, jr., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4556) granting an increase of pension to William Fox, reported it with an amendment, and submitted a report thereon.